

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

June 3, 2019

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

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

CALL TO ORDER

Vice-Chair Cramer called the meeting to order at 5:03 PM

ROLL CALL OF COMMISSION MEMBERS

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

STAFF PRESENT

Melissa Cleveland, Community Development Director
John Cafferty, Legal Counsel
Brett Boyer, City Administrator
Donna Phillips, Senior Planner
Elizabeth Allen, Planner
Heather McNulty, Commission Clerk

FLAG SALUTE

Vice-Chair Cramer led the meeting in the Pledge of Allegiance

CALL FOR CONFLICTS OF INTEREST

No conflicts were reported.

PUBLIC HEARING

Case No. SUP 0059, a request by Hayden Lake Irrigation District

Staff Introduction:

Donna Phillips, Senior Planner introduced the application for a special use permit for a new 2.0 million gallon water tank to be located north of West Lacey Avenue and west of North Highway 95 more commonly known as 375 West Lacey Avenue. The property is approximately 3.02 acres.

Applicants Presentation:

Brandon Rose, 2160 West Dakota, Hayden, Idaho 83815, Hayden Lake Irrigation District (HLID) Administrator who was representing as City of Hayden resident and District member user. Mr. Rose thanked the staff and Commission and introduced the development team. Paul Klatt, P.E., Senior Project Manager, Brad Marshall, Senior Planner and Jon Baune, P.E. Lead Project Engineer. He was pleased to have the District Board, Idaho Department of Quality (IDEQ), and the Coeur d'Alene Airport in the audience. He then continued his presentation by stating the HLID is in currently in situation that they are

forced to catch-up and establish a robust and reliable Long-term water system, the current system does not meet standards because it has no usable storage. The District wants to be proactive for all current and future consumers rather than operating in a substandard condition. This proposal is a benefit for the City of Hayden.

Paul A. Klatt, Senior Project Manager, 7825 Meadowlark Way Coeur d Alene, Idaho 83815 he stated the following reasons for the 2 million gallon (MG) water tank as follows;

- Existing 75,000-gallon tank provides no storage; coating is failing, no way to take off-line. It is unreliable.
- New tank has been recommended since 2001
- July 2016- IDEQ sanitary notes; "The system does not meet the design basis under IDAPA....The District should review options for water storage...."
- IDEQ April 2019 technical approval of Draft Facility Plan states; "The system is currently at capacity and will require additional source and storage improvements prior to adding connections..."
- Any system failure is an immediate water emergency in Hayden
- 2.0 million gallon tank addresses current, and economical solution
- Eliminates water and power wasting

Mr. Klatt then described why the proposed water tank at Lacey Avenue would be 161 feet tall. He stated that it satisfies the minimum IDEQ pressure requirement of 40 psi during the maximum peak hour of the high water use period. The site is also a slight pressure reduction from existing operations which is 60-70 psi at lacey. Mr. Klatt continued that Per the Federal Aviation Administration (FAA) requirements, this location is 9 feet shorter than requested, and all other sites are an additional 29 feet shorter and do not meet pressure requirements. During the two-year research for a site, they had looked at seven alternative sites and they all fell short for this project.

Brad Marshall, Senior Planner, J-U-B Engineering, 7825 Meadowlark Way, Coeur d'Alene, described the Special Use Application specifics and stated they agree to all staff recommendations except for two that they will review later. Mr. Marshall continued that existing users, as well as, new development in the City and near the Airport would all benefit with the approval of this new water tank, it is critical infrastructure. He reviewed the site plan with details of the landscaping buffer requirements, and that the goal is to blend the water tank with the landscape so that it blends. Mr. Marshall then reviewed the Airports response to the SUP with the following points:

- We understand and respect the Coeur d'Alene Airport's position and opposition on the water tank
- The airport is an economic driver in the Community and the City
- The District provides services and fire protection to the Airport
- Therefore, we will not place the water tank at all other alternative locations which would severely impede Airport operations
- The Lacey site location is, however, the least impact to the airport operations of all the sites investigated
- We understand when the water tank is approved, construction of the FAA will modify the runway approach template for pilots to reflect the tank to a 40-foot modification
- The Lacey Water Tank is approved for construction by the FAA

Mr. Marshall continued with the Applicants findings for approval of the Special Use Permit;

1. The site and the surrounding area are zoned Commercial .City Code 11-8-7 states "Utility infrastructure or facilities, major" is a permitted use in the Commercial Zone be Special Permit. City Staff have determined a water tank is a major utility.
2. The water site and the surrounding area are zoned Commercial. City Code 11-8-7 states" Utility infrastructure or facilities, major" is a permitted use in the Commercial Zone by Special Use Permit. City Staff have determined a water tank is a major utility. There is Lumber Yard, Heavy

Equipment dealer, RV Dealership and four (4) lane State Highway adjacent and/or in the immediate area of the site. As such, the proposed use of the site for a water tank is in accordance with adjacent zoning, land use, and general objectives of zoning ordinance.

3. The persons or agencies responsible for the establishment of the proposed use can provide adequate water supply to the tank and therefore support the community by providing them with adequate water supply and storage as well. Other essential public facilities and services are already provided in the area.
4. There is a lumberyard, heavy equipment dealer, RV dealership and manufactured home park adjacent to the site; therefore, a water tank will not change the essential character of the area and will be screened by additional landscaping along US-95.
5. No additional costs for public facilities and services with the construction of this water tank and it will in fact aid the economic welfare of the community by supporting the growth and development with water.
6. There will be no ongoing production of traffic, noise, smoke, fumes, glare, or odor from the water tank.
7. The existing site contains access to the property off Lacey Avenue and does not interfere with traffic on US-95. There will be no added access points or approached off US-95, and instead an added frontage road will be constructed to help alleviate cut through traffic off US-95.
8. The proposed location at Lacey Avenue and US-95 for the water tank does not have a natural, scenic, or historic feature of major importance and therefore the construction of the water tank will not result in the destruction, loss, or damage of any features.

The Applicant agrees to the proposed conditions of approval with the following changes (See Staff recommended conditions of approval):

- Condition 9 replace “camouflaging exterior with” – “and common neutral paint that blends the water tank into the surroundings”

And

- Condition 10 to read: Should the City request Hayden signage beyond a simple “Welcome to Hayden” on the northeast side on the tank included in the exterior surface, the signage costs for installation and maintenance shall be borne by the City of Hayden.

Staff Presentation:

Ms. Phillips then continued with her presentation describing the background of the property location and allowed uses in the commercial zoning; the proposed storage tank is considered facilities major, which does require a special use permit.

Commissioner Andersen asked would Hess Street frontage road be completed within the two years suggested in the is Special Use Permit. Ms. Cleveland stated that there would be a deferred agreement that will trigger the frontage improvements that pertain to the construction of Hess Street.

Ms. Phillips continued with the staff review discussing landscape requirements, height restrictions, and the comprehensive plan as it related to the application. She noted that the cost for the public facilities shall be borne by the water district’s members and not by the general public. She also stated that staff and the narrative (p.11) identified a low humming from the existing well pump motor and the occasional testing of the backup generator on the existing site. With the use of the building, landscaping, and background, highway noise the applicant does not believe that the noise identified is in excess. Ms. Phillips continued stating that the existing approach is from West Lacey Avenue approximately 100 feet from the southbound travel lane. No approaches shall be granted from Highway 95. As part of the site development, a new approach shall be located from (Future) Hess Street and the approach from Lacey Avenue shall be abandoned.

Ms. Phillips then reviewed the legal noticing (Exhibit S-1 through S-8) and the six public agencies that responded.

1. On May 2, 2019, the Kootenai County Sheriff's Office responded that they do not have any concerns as presented. (Exhibit PA-1)
2. On April 29, Kootenai County Community Development responded with no comments or concerns. (Exhibit PA-2)
3. On May 6, 2019, the Coeur d'Alene Airport responded in opposition of the water storage tank,. Subsequently, on May 16, 2019, a followed e-mail provided additional content. (Exhibit PA-3 & 3a)
4. On May 1, 2019, the Northern Lakes Fire Protection District responded with requirements at the time of construction of the well house. (Exhibit PA-4)
5. On May 17, 2019, the Idaho Department of Environmental Quality responded with information regarding peak hour demand and the requirement for the storage in the water system. (Exhibit PA-5)
6. On May 20, 2019, the Idaho Department of Transportation responded with no comment at this time. (Exhibit PA-6)

Ms. Phillips then reviewed the staff recommended conditions of approval:

1. The approval of this Special Use Permit is based upon the application, narrative, feasibility analysis and location provided. Major changes to the building or structure type, location, or the site plan shall require an application for an amendment to this Special Use Permit.
2. The applicant working with the City staff shall complete a robust public information process started three months prior to the start of construction of the water tank, during construction, and three month prior to the start of construction of the water tank, during construction, and three months after completion of the tank. Additionally, the public information shall include landscaping buffers, screening techniques and phasing. The public information shall include at least one open house, media releases, flyers to customers, website links on HLID website, etc. The cost of the public involvement shall be HLID's responsibility.
3. All permits from outside agencies (i.e. PHD, IDEQ, IDWR, FAA, FCC, and NLFPD) shall be obtained prior to construction of any future development of building permit issuance.
4. 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.
5. Hayden City Code 11-13-11: the approval of a special use permit is valid for two years from the date of approval of the written decision authorizing such use, unless some other time period is approved by the planning and zoning commission. The applicant has requested the special use permit to be valid for years.
6. Required site improvements per Hayden City Code 11-20 will be evaluated at time of building valuation and required prior to Certificate of Occupancy and/or Certificate of Completion issuance.
7. The applicant shall be required as part of the building and site plan submittal to provide a palette of the proposed exterior surface of the water storage tank and any additional appurtenances demonstrating the camouflage as proposed.
8. The applicant shall be required as part of the building and site plan submittal to provide landscape and fences plans in accordance with the conceptual graphic plan submitted as part of the special use permit application and approved by the Planning and Zoning Commission.
9. The landscaping, fencing, camouflaging exterior shall be installed and maintained as depicted in the Conceptual and final landscape plans for the life of the infrastructure.
10. Should the City request Hayden signage to be included in the exterior surfacing, the signage costs shall be borne by the applicant.
11. Any expansions or changes of use to the development site shall require a review site plan and possible amendments to the special use permit.

12. The applicant shall dedicate to the City of Hayden the remaining right-of-way and shall grant easement for the half width of both West Lacey Avenue and North Future Hess Street prior to building issuance.
13. A deferred development agreement shall be entered into prior to building permit issuance for the deferred frontage improvements along West Lacey Avenue and North Future Hess Street.
14. Should wireless communication facilities, not a part of the telemetry required by Hayden Lake Irrigation District for operation of the well and water storage tank site, be placed on the water tank; then a collocation authorization shall be required as part of the required submittals at the time of permit application for those wireless communication facilities as defined in the Utility Infrastructure Ordinance approved on May 28, 2019.

Commissioner Andersen asked if the storage tank would only service surrounding area and the City of Hayden. Ms. Phillips replied they also service parts in the City of Coeur d'Alene.

Commissioner Andersen asked if the water tank located on Strahorn would be decommissioned after the new storage tank is computed and on line. Ms. Phillips stated that it would be refabricated and used for back up.

Commissioner Taylor asked if it was possible to construct two tanks at a shorter height and be able to have the capacity needed. Brad Marshall, J-U-B Engineering replied that it was not a possible solution they need the height, and this is the location that the FAA has approved.

Public Testimony:

In Favor:

Katy Baker-Casile, P.E., 2110 Ironwood Parkway, Coeur d'Alene, Idaho 83815 IDEQ Lead water Engineer stated that she had submitted a letter (included in the staff review under Appendix A) she would like to answer any questions the Commission may have related to the letter.

Vern Fitzgerald, 999 West Dakota Avenue Hayden, Idaho, this is an essential project for the citizens of Hayden so that they can served well into the future. He understand not everyone want a water tank next to them however it is needed.

Tristan Fitzgerald 10035 North Reed Road Hayden, Idaho he would like to see the tower go in the he appreciated the thoughtful look into the efficient this proposed spot is a walks through from his property, he is in favor of clean water. Mr. Fitzgerald also stated he found it strange the airport had an issue with the location and he finds the Airport to be more of an ear sore and suggested they move. He was surprised to see that the signage to the water tank becomes the applicant's responsibility, he believes it is either good for the citizens or not. He appreciates that there has been research in costs of this project as well.

Susan Weeks 1626 Lincoln Way, Coeur d'Alene Idaho 83858, she is the district's attorney. The water storage tank is a way to get the water to the citizens that the City when a Will-Serve letter is requested for development. She continued by stating she would like to see the continued working together for a controlled responsible growth. .

Ray Kimball 2104 Columbine Court, Post Falls. This is a great planning proposal as an engineer this is a good common sense planning proposal for the City of Hayden. There is no water department in the City of Hayden; this is an imperative project for public infrastructure that benefits everyone. The applicant has met all standards for approval.

Neutral:

Reid Harlocker, 220 East Orchard Avenue Hayden, Idaho 83835 he has no objection to the water tank. He is concerned with the lightning discharge from the metal structure which are not properly earthed can result in electrical damage and safety issues for nearby homes and businesses. He discussed lightening side flash, ground potential rise, noted that systems using lightning terminals (Franklin rods) have been in use for over 200 years, and has an excellent record.

Steven Kjergaard, 10375 North Sensor Avenue Hayden, Idaho 83835 he is the Coeur d'Alene Airport Director wanted to be here to answer any question the Commission may have. Vice-Chair Cramer asked if the FAA requirements hinder anything with the Coeur D'Alene Airport. Mr. Kjergaard replied, the new restrictions of the utility in and out of the Airport. Commissioner Taylor asked what type of aircraft is affected. Mr. Kjergaard replied that it would reduce Type A aircraft during low visibility on two separate airport runways.

Rebuttal:

Brad Marshall, responded that this District needs the water tank, the citizens need it now and for future growth, and we knocked on the neighbor's doors. The District has had a lot of public support. We would like the minor adjustment of the time line of two years to be four years for completion.

With respect to the FAA and CDA Airport, we respect the Airport stance and understand this is not the preferred site; the need is still there for water storage. Mr. Klatt then addressed the testimony on lighting discharge the grounding is a requirement that has to be met, there are measurements in place. Brandon Rose wanted to make clear that only during low visibility would this interrupt the airport runways.

Commission Discussion:

- Commissioner Prickett stated water is needed, airport may need to use other run ways during low visibility he is fine with the four year time frame this is a serious need for water. We need to be proactive and not reactive to the water storage tank. Mr. Prickett also stated that the City of Hayden should be paying for a Welcome to City of Hayden on the tower.
- Commissioner Andersen stated the water storage tank is a need for the City of Hayden, the conditions have been met, and he is in agreement with respect to the extension to four years.
- Commissioner Taylor stated water is a basic infrastructure; it is needed if an emergency takes place, and the water flow will be needed. He agrees with the four years for completion.
- Vice Chair Cramer appreciates the public testimony, it is a nice to hear balance; this does meet the eight standards of approval. The four-year timeline is agreeable.

Motion:

Commissioner Taylor made a motion to approve Case No. SUP 0059 Hayden Lake Irrigation District, Lacey Water Tank with all 14 staff recommended conditions of approval, to include a four-year time line of completion, Condition number ten shall read as the Applicant requested. Commissioner Prickett seconded the motion.

Roll Call:

Commissioner Andersen:	Yes
Commissioner Prickett:	Yes
Commissioner Taylor:	Yes
Vice-Chair Cramer:	Yes

All were in favor and none were opposed. The motion passed.

CONSENT CALENDAR

The consent calendar included the approval of the meeting minutes for May 21, 2019. The motion was made by Commissioner Taylor, and seconded by Commissioner Anderson to approve the consent calendar. All were in favor, none were opposed.

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

Director's Review

Ms. Cleveland will be starting the Comprehensive plan update with the Consultant for both the Public involvement portion and Comprehensive plan.

Planning and Zoning Commission

June 5, 2019

- Case No. ANNEX 0011, PUD 0007, and SUB 0028, is a request by Hayden Canyon Land, LLC to amend conditions of approval for the project known as Hayden Canyon.

June 17, 2019

- Consent Calendar
- Case No. SUP 0060, a request by Viking Construction, Inc. Carrington Apartments Special Use Permit

City Council Actions

May 29, 2019

VAC 0005, Vacation of Easement – Approved

VAC 0006, Rimrock, Vacation of Right-of-Way – Public Hearing – Approved


VAC 0007, Lagers Vacation of Right-of-Way – Public Hearing – Approved

Chapin Zone Map Amendment Ordinance – Unfinished Business – Approved

Utility Infrastructure Code Text Amendments in Title 8 & Title 11 Ordinances – Unfinished Business – Approved

ADJOURNMENT

The meeting adjourned at 6:46 p.m.


Heather McNulty, Commission Clerk