

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

**July 1, 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 PM.

**ROLL CALL OF COMMISSION MEMBERS**

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

**STAFF PRESENT**

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

**FLAG SALUTE**

Casey with Troop 911 led the meeting in the Pledge of Allegiance.

**CALL FOR CONFLICTS OF INTEREST**

No conflicts were reported. Chair Petersen wanted the record to reflect his brother is married to Jeremy Russell's ex-wife; he is able to be objective and see if the facts meet City code for approval.

**CONSENT CALENDAR**

The consent calendar included the approval of the meeting minutes for June 17, 2019 and the written decision in Case No. PZE-19- 0001 (SUP 0060) for Carrington Apartments. The motion was made by Vice-Chair Cramer to approve the consent calendar, and seconded by Commissioner Anderson. All were in favor, none were opposed.

**PUBLIC HEARING**

**Case No. PZE-19-0016, a request by Jeremy Russell, J-U-B Engineers, on behalf of the owner Mountain Ridge Holdings LLC.**

**Staff Presentation:**

Elizabeth Allen, City Planner, introduced the application requesting the approval on one lot to be annexed into the City of Hayden and requested to be zoned as Commercial (C). The Annexation request affects 4.89 acres, located on tax parcel 51N-04W-02-95550 which is east of North Highway 95, north of West Lancaster Road, and west of North Government Way, Hayden. The subject site is within the unincorporated Kootenai County, zoned as Light Industrial, and is currently vacant.

**Applicants Presentation:**

Jeremy Russell, 7825 N Meadow Lark Way, J-U-B Engineers presented on behalf of the owner, Mountain Ridge Holdings, LLC. He described the 4.89 acres and additional right(s)-of-way that brings the project total area to 7.4 acres of unincorporated Kootenai County land into the Hayden City Limits. Mr. Russell continued stating that the City Council approved the request to proceed on June 5, 2019 with the proposed zoning designation of Commercial (C). He stated that the City surrounds the property on three sides and developing after annexation into the City makes sense. During the preliminary discussions with the County it occurred to all parties that annexation at this time would be a good idea and not after the development occurred in Kootenai County. Mr. Russell continued by stating that there is no sewer to the site at this time; however, they are able to have a septic system, or drain field on the site until the sewer is brought across Lancaster Road. The road infrastructure is currently in place and they have a conditional Will Serve letter from North Kootenai Water and Sewer District. They have power and other utilities on or near the site. The surrounding residential areas need service oriented business, like the proposed coffee shop in order to serve the growing City. This annexation is a good fit. The Commercial retail is a good fit for this intersection.

- Vice - Chair Cramer asked if public services would be available within two years.

Mr. Russell stated that yes the development in the area has the intent of being built within the two year time period.

**Staff Presentation:**

Elizabeth Allen continued with the staff presentation. She reviewed the existing and surrounding uses, the property is within Kootenai County and the property to the North and the West is zoned as light industrial. The current zoning within the City of Hayden adjacent to this property is both commercial and residential. Ms. Allen stated that the site is within the exclusive tier area of City impact and would need to follow the rules of the Idaho Transportation District (ITD), Lakes Highway District (LHD), Kootenai County, and the City if it remains part of Kootenai County. If annexed into the City, the development would follow the rules of the City and ITD. If the property is left as light industrial within Kootenai County the site could develop as uses such as commercial manufacturing, utility compliance, and mobile commercial vehicles that are inconsistent with the surrounding zones in the City. Ms. Allen continued with the infrastructure analysis stating that the property is located within the H-6 sewer basin and sewer is not currently available to the project site. If the H-6 lift station is not constructed at the time of development, the developer may need to request a basin transfer to utilize the H-2 sewer basin temporarily. The Hayden Area Regional Sewer Board (HARSB) e-mailed a comment stating that they had no objections or comments, with the annexation request; however, a will serve letter has not been received yet. She continued by stating that the site is bound to the west by Highway 95 under the jurisdiction of ITD. Lancaster Road, on the south side of the site, is improved and is a short connection between the two intersections. Government Way is identified as a Collector Typical Section. Adjacent to the site will need to be improved to the typical section standards. The site is located near the water service area of both North Kootenai Water and Sewer District and Avondale Irrigation District. A will serve letter is not required at the time of annexation, but the water provider shall be identified prior to development. Ms. Allen spoke with North Kootenai Water and Sewer District and they stated that they issued a will serve letter but it has not been received by the City at this time.

- Chair Petersen stated that in considering whether infrastructure may be available within two years to support development. Does the Staff believe this can be done within the two years?

Ms. Cleveland stated that she believes that it can happen; the H-6 sewer basin is a need for development that has already been approved by the City. She continued by stating if the applicants develop before the completion of the lift station they are approved to put in a drain field, from Panhandle Health, until completion of the H-6 sewer basin.

- Commissioner Anderson asked if Highway 95 would need to be closed in order to have the Lift Station completed.



Ms. Cleveland stated that no, there are casings for pipe already in place to go across Highway 95. Ms. Allen continued that the public noticing included 28 agency letters, and the outside agencies that responded were Coeur 'd'Alene Airport, Hayden Area Regional Sewer Board, Idaho Department of Environmental Quality, and Avondale Irrigation District responded with no comment.

Staff recommended conditions of approval are the following:

1. The applicant shall enter into an annexation agreement with the City and shall abide by the terms delineated there in.
2. At the time of either, site and/or subdivision development, the applicant shall comply with the requirements from the Northern Lakes Fire Protection District.
3. Dedication of right-of-way on west side of Northern Government Way and north side of West Lancaster Avenue in accordance with the City's adopted transportation plan shall be required at the time of annexation. Nothing shall preclude the City adopted transportation plan shall be required at the time of annexation. Nothing shall preclude the City from requiring additional future right-of-way at the time of development.
4. The Developer shall use the City of Hayden Sanitary Sewer system to serve future development or some other approved sewer system.

- Chair Petersen asked what the annexation agreement looks like, for standard number 1.

Ms. Cleveland stated the language would have involvement of H-6 sewer basin sewer and water along with all utilities; there is a standard form that will be specialized before signing the agreement.

**Rebuttal:**

Mr. Russell acknowledged that he knows the sewer issues will be resolved between the City and the developers in the area.

- Commissioner Davis asked if Mr. Russell agrees to any and all staff recommendations for approval.

Mr. Russell replied yes he does agree.

- Vice-Chair Cramer asked if it is correct to say that H-2 sewer would be available if needed, due to the drain field not being adequate.

Ms. Cleveland replied that is correct, they would be able to use it for a short time until the completion of the H-6 sewer basin is completed.

**Commission Discussion:**

- Commissioner Moberg stated he is familiar with the property and is comfortable with the proposal.
- Commissioner Andersen stated the testimony shows that the infrastructure is going to work its self out. He continued that as stated in previous hearings, he still has concerns on the traffic impact, and is reliant on staff to make those adjustments as needed during the development process.
- Commissioner Davis stated that after reviewing the seven standards he believes it meets the request for approval to City Council.
- Vice-Chair Cramer he believes it meets the standards. He would be happy to see the egress and ingress as a right turn only on to Lancaster.
- Chair Petersen the seven standards have been met, the testimony from staff is that infrastructure can be in, so he would recommend this to City Council for approval.

**Motion:**

Vice-Chair Cramer made a motion to recommend approval of Case No. PZE-19-0016, Mountain Ridge Holdings Annexation and the Zoning to be designated as Commercial along with the four staff recommended conditions. Commissioner Andersen seconded the motion.

**Roll Call:**

Commissioner Andersen:	Yes
Commissioner Davis	Yes
Commissioner Mobraten:	Yes
Vice-Chair Cramer:	Yes
Chair Petersen:	Yes

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

**REVIEW OF UP COMING MEETING CALENDAR, AND REPORT ON COUNCIL ACTION**Director's Review

Ms. Cleveland stated that orientation meetings are being conducted for the comp. plan update, and will contacting the Commission members to try and set up a time for an interview.

Planning and Zoning Commission

July 15, 2019

- Consent Calendar
- Special Use Permit

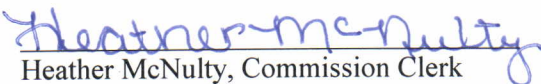
City Council Actions

June 25, 2019

- Hayden Canyon Amendment-Public Hearing
- Hayden Canyon Vacation of Right-of-Way and Easements- Ordinances

**ADJOURNMENT**

The meeting adjourned at 5:44 PM.

  
Heather McNulty, Commission Clerk