

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

**August 3, 2020**

**Special 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 5:01 p.m.

**ROLL CALL OF COMMISSION MEMBERS**

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

**STAFF PRESENT**

Melissa Cleveland, Community Development Director  
Caitlin Kling, Legal Counsel  
Donna Phillips, Senior Planner  
Elizabeth Allen, Planner  
Beverly Wester, Commission Clerk

**FLAG SALUTE**

Commissioner Bemis led the meeting in the Pledge of Allegiance.

**CALL FOR CONFLICTS OF INTEREST**

No conflicts reported.

**CONSENT CALENDAR**

The consent calendar included the approval of the meeting minutes for July 20, 2020 and the written recommendation for case no. PZE-20-0134 Jones Zone Map Amendment. The motion was made by Commissioner Davis, and seconded by Commissioner Prickett to approve the consent calendar. All were in favor, none were opposed.

**PUBLIC HEARING**

**Case No. PZE-20-0102 Stone Creek North, a request by Tate Engineering, on behalf of the developer 7 Lakes LLC and the owner Holte III, LLC**

**Staff Presentation:**

Donna Phillips, Senior Planner, presented. The subject property was annexed in 2008 by ordinance 453, at the same time as the property now known as Stone Creek subdivision. It is important to note that Stone Creek and the proposed Stone Creek North have different owners. The 2 lots shown on page 1 of the staff review make up the proposed Stone Creek North. On pages 6-17 of the staff review is the analysis of this proposal with identifier numbers to note that the subdivision may be built in 4 phases. Applicant presented a modified plat the last week of July 2020 that has yet to be reviewed. The 2008 annexation

agreement required 11.7% of the total annexation area be dedicated as park area. Currently 2.62 acres of park land exist in the Stone Creek subdivision to the south and 5.05 acres are proposed for Stone Creek North with plans for park connectivity to meet the Strategic Park Plan.

#### **Applicants Presentation:**

Rob Tate, 417 E Indiana, Hayden, ID 83835 with Tate Engineering represented for the applicant. This proposal is a continuation of the project started back in 2008 with annexation 453. The current proposal is for 66 lots on 33 acres in a Residential (R-1) zone. The original annexation agreement restricted the density of this project to 2.5 dwelling units per acre; whereas, this proposal is only requesting a gross density of 2 units per acre resulting in a lower impact on sewer, water, and roads. The developer is proposing to meet the park requirements with up to 7 acres reserved for this purpose. Proposing 4 phases of development with connectivity of the bike paths and emergency access to the existing Stone Creek subdivision. Plans are in place to meet the 10% grade stipulated in the street requirements. Not currently planning any connectivity into Emerald Estates and landscaping plans are still underway. The proposed emergency road is not intended for traffic, but for emergency vehicles and snow plows. Traffic deterrents - to include the possibility of a gate - will be decided in the design phase. The developer participated in a traffic study [Marks Property Annexation and Stone Creek North Development Traffic Impact Analysis - included in staff review] that suggested traffic improvements required of the Stone Creek North developers. Payment of approximately \$76,000 in mitigation fees will be provided to the City for offsite traffic improvements. The road standards for the original Stone Creek development allowed for parking limited to one side of the street, which has not worked well. This proposal allows for standard 36 foot roads, where parking is allowed on both sides. Area in the lower right corner of the proposed project was originally marked as a wetland. The wetland area has been determined to be non-jurisdictional [Department of the Army, Regulatory Division: NWW-2019-00241, Holte - ADJ included in staff review]. Avondale Irrigation District has agreed to provide water to this project. Sewer is gravity fed and flows back down through the Stone Creek subdivision. Northern Lakes Fire Protection District (NLFPD) has requested that the developer provide fire hydrants. Storm water is typical roads with grassy swales, typical section: road, curb, gutter, swale, and sidewalk. Drainage easements will be included in low areas and surrounding the existing pond. Geo Tech report will be performed for any fill areas and road construction to include a portion of the access road. The analysis beginning on page 6 of the staff review lists how the developer plans to meet all 8 standards for subdivision approval. Sewer tech memo was funded by applicant to determine how sewer would run through the project. Developer believes that they have met the major goals from the comprehensive plan listed on pages 14 and 15 of the staff review.

- Commissioner Davis asked how the project's emergency road would connect to Lancaster Road and the timing of the road's construction. He then went on to ask if part of the traffic study considered points of egress.

Mr. Tate answered that the road's construction would likely occur in the developments 4<sup>th</sup> stage and before any of the Mark's project construction can begin because the emergency road is the Mark's project point of infrastructure for sewer.

- Commissioner Bemis inquired about the project's density.

Mr. Tate answered that a portion of the land is not buildable. The definition in terms of density is gross density. The project size is 33 acres and the developer is proposing 2 homes per acre. In addition the developer has to meet the minimum lot requirement of 8250 square feet.

- Commissioner Taylor inquired as to how the roads will be built to handle traffic from surrounding subdivisions.

Mr. Tate answered that the section of Rocking R Road was developed to handle this level of traffic.

#### **Staff Presentation:**

Ms. Phillips began by detailing how the applicant has met the standards for subdivision approval found in the analysis, pages 6-17 of the staff review.

**Recommended Conditions Summarized (Pages 17-19 of the staff review):**

1. Developer shall be required to reflect all necessary dedications and/or easements.
2. Developer shall connect the existing residence to City sewer prior to final plat of the 1<sup>st</sup> Phase; or obtain a demolition permit to remove the existing structures.
3. A phasing plan shall be a required submittal of the construction plans.
4. A plan identifying locations of potential blasting and how construction shall comply with City Code, ISPWC, and the National Fire Code shall be submitted with construction plans.
5. No fences shall be placed within joint storm water easement areas; and maintenance of joint storm water areas shall be the responsibility of the individual property owner or a property owners' association depending on the location of the swale area.
6. The Developer shall comply with Northern Lakes Fire Protection District (NLFPD) requirements.
7. An acceptable turn-around for the City and NLFPD shall be utilized as necessary between phases until future connectivity occurs.
8. The final location of all driveways shall be subject to the review and approval of the City.
9. Street lighting plans shall be submitted as part of the construction plans to be installed with the subdivision improvements.
10. Landscaping plans shall be included with the construction plans as follows:
  - Dry grass mix shall be applied until individual lots are constructed.
  - Type II street frontage landscaping on all internal streets, to include irrigation, hydro-seeding, and trees – to be placed at the time of building permit.
  - Landscaping associated with the multi-modal Class I path shall be submitted with the construction plans and a part of that phase of the construction.
  - Park plans including the landscaping within the park area shall be submitted in addition to the subdivision construction plan and required as a condition of acceptance of infrastructure of that phase.
11. An avigation easement shall be recorded over the entire property and noted on the plat.
12. If lots are developed to access into an area outside of the existing City limits, then a Will Serve letter shall be provided by the water purveyor to serve these lots.
13. The mitigation for the transportation impact shall be paid as a single lump sum at the time of final plat or at the time of individual building permit.
14. The 5.05 acres of parkland upon the completion of the infrastructure shall be deeded to the City of Hayden free from any liens or encumbrances.
15. No driveway shall be allowed to have a slope in excess of 10% except as may be approved by the NLFPD. Additionally, no driveway shall exceed a grade of 10% for longer than 100 feet.
16. A geo-tech report shall be required for each phase of the subdivision to address the slope requirements for storm water, to maintain the slope and keep it from unraveling, and to address vegetation requirements.
17. A mass grading plan (identifying cuts and fills over 2') shall be required as part of the construction plan submittals for each phase of the subdivision.
18. ADA requirements shall be met on all pedestrian crossings.
19. As proposed, phase 4 may not be constructed until infrastructure is placed within the area proposed to be annexed. Should this area wish to be constructed differently, then an amendment to the preliminary plat shall be required.
  - 19. (Alternate) the geographic area identified as phase 4 may be constructed as part of the park area as long as the conditions of the park area are met.
20. Connectivity, if infrastructure is not available to develop this area as lots.
21. During construction plan review, revisions may be necessary. Staff shall determine if these revisions are minor or major.
22. All permits from outside agencies shall be obtained prior to construction.
23. This approval shall run with the land for the term approved herein regardless of ownership.

24. Per the comments from Idaho Department of Environmental Equality (IDEQ), a joint application shall be obtained from the Army Corp of Engineers, Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL).

**Agency Comments:**

Hayden Area Regional Sewer Board – No objections or comments.

Hayden Lake Irrigation District – No comments.

CDA Airport - No comments. Requested an aviation easement.

Avondale Irrigation District - will serve the project.

IDEQ - Had requirements related to wetlands and wildlife.

**Adjacent Property Comments:**

Eight comments were received with concerns related to traffic, noise, dust, reduction of property values, wetlands, wildlife, emergency services, sidewalk locations, tree preservation, lot size, new exit roads, and open space requirements.

- Chair Petersen asked how the applicant demonstrated to Rob Wright, City Engineer's, satisfaction that all proposed infrastructure meets, or can be constructed within 2 years of the date of approval, all 8 standards for subdivision approval.

Rob Wright answered that the City has some things to work through that can be accomplished within the 2 year timeframe.

- Chair Petersen asked Melissa about the limits of the traffic study conducted. He then asked about the study's use of a 4% growth level and would the traffic generated from this project overwhelm the roads to the south.

Melissa Cleveland answered that these subdivisions had the potential to impact our existing transportation system. The study went as far north as the intersection at Government Way and Lancaster Road and as far south as Wyoming Avenue and Government Way and Miles Avenue and Government Way. The study looked at a proportion of the traffic in 2040 that would be attributed to this development. The study came up with a proportional share of the improvements required due to increased traffic to be paid by the developer. These fees do not take the place of the City's impact fees. The roads were built to the City's standard and the traffic added by this subdivision will not harm the roads. The traffic study proposed added traffic lights to manage future traffic and the fees collected will go towards that end.

- Commissioner Bemis asked about the access to the neighboring Stone Creek North and Mark's Annexation and how it would affect Lancaster Road and the southern neighborhood. He then asked if the proposed emergency exit only road could be made into a through road for regular traffic.

Ms. Cleveland answered that after discussions it was decided that connecting the neighborhoods would cause heavier traffic than if the neighborhood exit was to the north.

- Chair Petersen suggested that making the emergency exit road into a through street could be an additional condition of approval.
- Commissioner Davis asked about the plan for emergency egress and is the road going in during phase 4.

Melissa Cleveland answered that the emergency access road does have to be maintained 365 days per year. This is a dual purpose road with the sewer line running under it and the City needs access to it year round. The emergency access road will end at the Marks development to be completed by Marks. NLFPD agreed that building an access road in this way is acceptable.

Mr. Wright answered that the road does have to be maintained. We need NLFPD recommendation for access to the northern property.

Caitlin Kling, Legal Counsel, clarified that the conditions Ms. Phillips recommended in the staff review require that the applicant work with NLFPD in regards to the access road.

**Public Testimony:**

**In Favor:**

Kim Holte, 12883 North Emerald Drive, a co-owner of the subject property. This project was annexed in 2008 and the intent has always been to build a subdivision.

Eric Olson, 705 South Riverside Harbor Drive, Post Falls, Idaho. Mr. Olson's company, Olson Engineering, has been hired to prepare the subdivision application for the Marks Ranch subdivision to the north of this proposal. Mr. Olson is in favor of the project because it meets all of the standards of approval. Mr. Olson went on to recommend that Planning and Zoning to consider conditioning the approval of this project to include establishment of right-of-ways and connectivity for sewer and pathways during phase 1 to the future Marks Ranch subdivision. Mr. Olson suggests a connection from Rocking R Road through Stone Creek to Lancaster Road.

**Neutral:**

Eric Edgar, 11901 North Rocking R Road, Hayden, Idaho 83835, asked about whether or not the road extending eastward will connect with Strahorn Road. Mr. Edgar went on to ask if the emergency access road will connect to Lancaster Road and whether or not the public will have access to the emergency access road.

- Chair Petersen answered that the emergency access road will connect to the north for emergency access vehicles only.

**Opposed:**

Rick Palagi, 1133 East Gravelstone Court, Hayden, Idaho 83835, the 13 lots on the southern part of the proposed subdivision back up to 6 Stone Creek lots. These Stone Creek lot owners are concerned about the much narrower lots proposed in Stone Creek North. Consistency of lots is desired. Timing of the phases is important and Mr. Palagi would like more information. Why not put a connecting road to Emerald Estates and Lancaster Road. Mr. Palagi is curious about the lots abutting the marsh area.

Louise O'Brian, 12905 North Emerald Drive, Hayden, Idaho 83835 lives directly in front of the Marks annexation property and the Stone Creek North property. Ms. O'Brian is concerned about additional vehicles going through her neighborhood ruining the Norman Rockwell qualities of her street.

Mike Viale, 1404 East Maroon Creek Drive, Hayden, Idaho 83835 inquired about the density per acre if the park areas were not in the mix and how many lots are at the minimum lot size. Mr. Viale would like for the proposed subdivision to not be named Stone Creek North because it is obviously nothing like Stone Creek based on lot sizes. Mr. Viale asked where the road to the right, accessible by Maroon Creek Road, ties into. Mr. Viale reiterated that density is too great for this project.

Nathan Smither, 1089 East Hurricane Drive, Hayden, Idaho 83835 lives in the Stone Creek neighborhood and is on the board of the Stone Creek Home Owners Association (HOA). Stone Creek homeowners knew that this project would eventually become a subdivision but were unaware that the eventual development would be an extension of Stone Creek.

**Concerns of neighborhood:**

- The fact that Stone Creek residents would not like a through road to Lancaster Road is false. To the HOA's knowledge no one in Stone Creek has been approached to discuss the proposed Stone Creek North development.
- The use of "Stone Creek North" implies extension of the Stone Creek development and suggests some sort of association.
- Housing density and overall feel of the neighborhood: The proposed new lots will be about 69 feet wide and the existing lots they will abut are 92 feet wide.



- Proposed park and open areas: the plot map does not specify any area for those purposes. In page 11 of the staff review Stone Creek's 2.62 acre park will go toward the required 7.67 acres needed for the new development. Additional explanation is requested to explain how that is possible.
- Safety and emergency egress: the existing narrow road in Stone Creek has created many problems. Utilizing the proposed emergency access road as a through street would allow for a safer exit from Stone Creek.
- Traffic: 62 of the proposed 72 homes will access the development from East Maroon Creek Drive and Rocking R Road. Increased traffic flow and wear and tear to existing roads and infrastructure.
- Impact to wetlands: lots 40-42 will be on top of an existing pond.
- Greenspace, open area and Community Park plans: the emergency access road should not be considered an open area. The existing plot map does not specify any park area. Can the applicant explain what the multi-modal path will look like.
- HOA and CC&R's: if Stone Creek North is an extension of Stone Creek will Stone Creek North join Stone Creek's existing HOA and adopt Stone Creek's CC&R's. If yes, the structures will need to be reviewed by the Stone Creek HOA's architectural review board for approval to ensure consistency between subdivisions.

#### **Rebuttal:**

Mr. Tate explained that the road to the east of the project could eventually connect into Strahorn Road if and when somebody on that portion of the project were to develop. There is a connectivity point from Emerald Estates but at the time of annexation Emerald Estates did not want traffic from Stone Creek flowing through their roads; that is the reason Stone Creek has a connection through Rocking R Road. Providing easement in the 1<sup>st</sup> phase of development is agreeable to the developers, as long as they want to construct the improvements. The developer will not put any traffic load into Emerald Estates. The emergency access road will eventually provide connectivity to Lancaster Road for emergency vehicles. The applicant would be open to making the emergency road a through road, up to and to be completed by the future Marks development. When the applicant met with the City, they believed that Stone Creek was opposed to making that connection. A drainage easement will be provided for the areas of the project near the marshy areas. The lots in the south portion of the project will be similar in square footage, they happen to be narrower and deeper, to those they abut. The proposed project's lots are above minimum lot size and City code is based upon gross density. The reason this will be called Stone Creek North is tied to the fact that the developments are both part of the same 2008 annexation agreement. The northern half of the land annexed was not developed because of the recession around that time. The street section standard has changed since the development of Stone Creek due to the difficulty of navigating narrow streets. Stone Creek North roads will be built wider allowing for parking on both sides of the street. Snow storage areas and easements will be provided throughout the development. HOA and CC&R's will be separate from those in Stone Creek.

- Commissioner Anderson asked about the emergency access road, bike path and home design.

Mr. Tate answered that there will be a 24 foot paved emergency access path with a separate bike path. There will be some sort of traffic calming device to only allow emergency vehicles. Typical homes built will be 1800 – 2400 square feet with 2 and 3 car garages. Continuation of style with the same builders as Stone Creek.

- Commissioner Bemis asked about the pond and drainage easements.

Mr. Tate explained that there is a drainage easement on the lot that includes the pond. A split drainage easement was placed on the east portion of the property to discharge water from lots near the marshy area.

#### **Commission Discussion:**

- Commissioner Bemis feels that most of the standards have been met. His main concern was about the emergency access road. He would like a condition that requires that this road be more than an emergency access.

- Commissioner Andersen does not understand why the road cannot be put completely through ensuring better egress. Concerned that small things like mail box clusters have yet to be addressed.
- Commissioner Pricket agrees that some of the nuances have not been very well thought out. Roads to the south have a bit of a bottle neck and roads to the north are also a concern. The project does, however, meet the requirements.
- Commissioner Taylor believes that the proposal meets the requirements, with the staff conditions in place. The emergency access road should be built with right-of-ways allowing it to be developed into a through street in the future.
- Commissioner Davis believes that the developer is meeting the requirements. One concern is safety; if there was a mass exodus the residents would struggle to exit the subdivision.
- Chair Petersen – If the applicant has demonstrated to the satisfaction of the City Engineer, then the commission should recommend approval to City Council. The commission may consider stipulating that the commission's approval is conditioned on NLFPD's approval.
- Commissioner Bemis was under the impression that the two neighborhoods were tied together. He thought the emergency access as between Stone Creek and Stone Creek North; and not between Stone Creek North and the Marks property. The emergency access road should connect the subdivisions reducing the bottleneck caused by Stone Creek's narrow road and make it a road to connect the two subdivisions.
- Commissioner Andersen has concerns about the subdivision going in across Lancaster Road from this project and how if the emergency access road punches through to Lancaster Road the congestion may be too great.
- Chair Petersen does not want to be in the position of telling people what they can do with their property if they have met the standards of approval.
- Commissioner Pricket noted that they were separate entities, separate owners; however, we would hope that they would come to an agreement on their own. But as a Commission, we need to look at it from the citizen's perspective whom we represent and do what we think is best. Looking at this on its own individual application, he thinks it would be responsible to base the decision off of Mr. Wright's memo.
- Commissioner Bemis does not think it would be responsible to vote against this proposal based upon Mr. Wright's memo.
- Commissioner Davis stated that the emergency road would end at property line. Unless the same condition is placed on the future development there is no guarantee that the road will become a through road. He asked is this a public safety issue or convenience issue.
- Chair Petersen stated that Mr. Wright in his capacity as City Engineer agreed with the proposal. The applicant still has to get NLFPD approval. The 1st condition has been adequately met.
- Commissioner Taylor added that a right-of-way should be added as a condition to allow for a City standard road in the future.

#### **Motion:**

Commissioner Taylor moved to approve with all staff recommended conditions of approval and the condition that the emergency access road to the north have dedicated right-of-way to accommodate a City standard road. Alan Davis seconded the motion.

#### **Roll Call:**

Commissioner Andersen:	Yes
Commissioner Bemis:	No
Commissioner Davis:	Yes
Commissioner Prickett:	Yes
Commissioner Taylor:	Yes
Chair Petersen:	Yes

Five in favor and one opposed, the motion passed.

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

### Director's Review

Staff is still working on Imagine Hayden. Public comment period will begin in the next few weeks with final approval to likely occur in October, 2020.

### Planning and Zoning Commission

August 17, 2020

- Consent Calendar
- Workshop: Mixed Residential & Mixed Use Zones

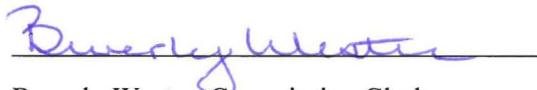
### City Council Actions

August 11, 2020

- PZE-19-0311 Marks Annexation
- PZE-20-0134 Jone's Zone Map Amendment

## **ADJOURNMENT**

The meeting adjourned at 7:25 p.m.



Beverly Wester, Commission Clerk