

**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**NOVEMBER 20, 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 6:01 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 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 6:23 p.m.**

HEARING EXAMINER MINUTES  
NOVEMBER 20, 2014

**CASE NO. ZON14-0007**

**Type: Zone Change, Case No. ZON14-0007, a request by Marina Yacht Club, LLC,** to change the zoning classification of approximately 31.213 acres from Restricted Residential to Commercial. The proposed site is located within the City of Coeur d'Alene Area of City Impact boundary. The Parcel number is 50N04W-14-3725 and described as: PTN TAX #19855 LYING S OF CITY LIMITS EX TAX #18534 & EX PTN TAX #19855 LYING WLY OF SLOUGH [IN GLS 1, 5, 6] in a portion of Section 14, Township 50 North, Range 04 West, B. M., Kootenai County, Idaho.

**Staff Presentation:** Mel Palmer, Planner II, introduced the application for a zone change request from Restricted Residential to Commercial with access to the approximately 31 acres on Marina Drive off of Highway 95. There was no request by the applicant for a Conditional Zoning Development Agreement. She added if this request is approved it will bring the zoning classification into conformance with the established uses on the site and allow for future development. The project is located within the City of Coeur d'Alene Area of City Impact (ACI). The City commented stating they have no comments or conditions on the proposed zone change. The Kootenai County FIRM Map shows the Flood Zone location as AE. Future development of structures on the site will need to comply with the Kootenai County Flood Damage Prevention Ordinance and all of the Performance Standards of the Commercial Zone. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Janet Robnett, applicant representative, provided a brief history of the area stating it is important to look at the site evolution since it is not just commercial in the middle of residential zoning. Research does not show how the site got the Restricted Residential zoning but the old Comprehensive Plan has it designated as Industrial. She provided an aerial map referencing the site of the surrounding City and County zoning (HE 1000). The applicant is basically asking to legitimize the zoning for what has been on the property for years and with the current non-conforming status it is difficult to repair or improve. Ms. Robnett added she strongly disagrees with some of the public comments submitted since all jurisdictions have weighed in on this proposal as neutral or in favor. The applicant will meet all agency requirements and this will allow for the property to be economically viable.

**Exhibits:** HE 1000 – Two aerial maps showing city and county zoning submitted by Janet Robnett.

**Public Testimony:** Comment Sheets submitted: 3, Applicant/Representatives - 1; In Favor - 1, Neutral - 0, Opposed – 1. 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:

- Can no longer be used by the public for docking as was available in the past
- Valuable waterfront and view shed should not be destroyed by industry
- Conditions should be applied to any approval
- Future heliport and condos would create traffic issues

**Applicant Rebuttal:** Janet Robnett, applicant representative, added this is a zone change to render the property consistent with the surrounding uses. This will not allow the opportunity for building condominiums or use for a heliport. A Conditional Zoning Development Agreement (CZDA) is for a specific use to be conditioned. This request is just to make the current use consistent with the zoning.

There being no further comments from the public, testimony was closed on this item at 6:23 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