

**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**MAY 19, 2016  
KOOTENAI COUNTY ADMINISTRATION BLDG.  
ROOM 1**

**HEARING EXAMINER  
STEVEN FRAMPTON**

**STAFF PRESENT  
MEL PALMER  
VLAD FINKEL  
DAVID CALLAHAN  
KATHRYN FORD**



**MINUTES  
PREPARED BY:**

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**KATHRYN FORD**  
Recording Secretary



**MINUTES  
REVIEWED BY:**

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**MEL PALMER**  
Planner



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**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 6:00 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 6:57 p.m.**

HEARING EXAMINER MINUTES

MAY 19, 2016

**CASE NO. VAR16-0002**

**Type: Variance, a request by Gary MacDonald, MacDonald's Hudson Bay Resort,** for a variance to the following: 1) 32.5' variance to the front yard setback; 2) 10' variance to the rear yard setback; 3) 25' variance to the front yard landscaping standard; 4) 15' variance to the side yard landscaping standard; 5) 15' variance to the public road landscaping buffer standard on a portion of a parcel of land 7.32 acres in size in the Commercial zone. There is an existing marina/resort north of Hudson Bay Road which bisects the property. The Applicant is requesting these variances in order to build a shop on a narrow sliver of land south of Hudson Bay Road. The property has steep slopes and limited space to construct a shop. The shop would give the Applicant additional space for boat/trailer maintenance and storage. The parcel number is B00000030100 and described as TAX # 3785, TAX # 4994 in Section 3, Township 53 North, Range 02 West, B. M., Kootenai County, Idaho.

*(Vlad Finkel-Planner)*

**Staff Presentation:** Vlad Finkel, Planner, introduced the application referencing the narrow parcel with the gradual slope up the hill located across Hudson Bay Road. He added agencies provided comments with no concerns regarding the variance request. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Gary MacDonald, Applicant, extended a "thank you" to the public who provided support comments for the application. He added Bill Bell is working with him on developing this location that is under consideration for a variance. Mr. MacDonald provided a brief history of the property and the family business serving boaters and services for 65 years. The site selected is part of the existing marina/resort north of Hudson Bay Road which bisects their property. This portion of land is perfect for maintenance and storage purposes. He added it is out of the way of the public, to be enclosed out of the weather for the employees doing the maintenance and useful for winter storage. Also, the Farragut Park trail system is behind this parcel and the proposed structure will not obstruct the view of the hikers. In conclusion Mr. MacDonald stated their property is privately owned but they provide complete public access for boat launching, restrooms, parking, and dock fishing for everyone, not just customers, to enjoy the beautiful recreational area.

**Exhibits:** HE 1000 – IDL comments submitted by Vlad Finkel.

HE 1001 – Presentation submitted by Gary MacDonald.

HE 1002 – Comments in favor submitted by Tom Lloyd.

HE 1003 – Record of survey concerns submitted by Larry Spencer.

HE 1004 – Aerial photos of the site submitted by Larry Spencer.

**Public Testimony:** Comment Sheets submitted: 11, Applicant/Representatives - 2; In Favor - 8, Neutral - 0, Opposed – 1. The names and address of the individuals speaking or submitting comments are part of the record.

- Hudson Bay Road prevents use of the parcel with the current setbacks
- Placement of the road many years ago placed a hardship on this piece separated from the larger parcel
- MacDonald's Resort is the oldest business in town
- MacDonald's Resort is well respected by the Bayview community
- Area next to the water is becoming an eyesore and is an inefficient use of the sensitive area
- Mechanic area should be moved from the waterfront
- Moving maintenance could provide additional parking and additional recreational space
- Parcel may not be owned by applicant
- Survey of the site is open ended and may be surveyed incorrectly
- Height of the structure should be restricted if approved
- Parking may be against IDAPA standards
- There have been no permits on this site to monitor any code violations

**Applicant Rebuttal:** Gary MacDonald, Applicant, addressed concerns presented by Mr. Spencer. He stated IDAPA rules come into effect if additional boat slips are added which currently they do not fall under those guidelines for this variance request. They are a business and do provide parking for their clients. The structure

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height was agreed upon with the State Park trail officials as well as the boundary markers shown in the photographs being placed by the officials. He added the survey referenced was open ended because it had nothing to do with the building site and does not show all of their property. The structure will have plenty of walk around room and line of site for traffic both ways in this location. Bill Bell, Applicant Representative, added the property and railroad boundaries were surveyed and the width is very well established from the property line. Vlad Finkel, Planner, provided confirmation regarding the ownership of the parcel under consideration.

There being no further comments from the public, testimony was closed on this item at 6:42 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,

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Kathryn Ford, Recording Secretary

HEARING EXAMINER MINUTES  
MAY 19, 2016

**CASE NO. VAR16-0001**

**Type: Variance, a request by John Kinney for Elizabeth Gill and Bradford Scacco** for a variance to Kootenai County Ordinance Title 9, Section 9-19-5 (B) 1. (d), setback requirements, to allow the Applicants to construct a 4' stairway/walkway across a common property boundary line in the Restricted Residential zone. Access to the site is directly from E. Hayden Haven Road. The Parcel Numbers are: 0-3440-000-021-0 and 0-3440-000-022-0. Parcel No. 0-3440-000-021-0 is described as: Hayden Haven, Lt 21 and Parcel No. 0-3440-000-022-0 is described as: Hayden Haven, Lt 22. Both Parcels are located in Section 10, Township 51N Range 03W, B. M., Kootenai County, Idaho. (*Mel Palmer-Planner*)

**Staff Presentation:** Mel Palmer, Planner, introduced the variance application stating the stairway/ramp walkway is needed for safe access to the lake and to allow a zero setback on the subject lot (Gill & Scacco), Lot 21 and the neighbors lot (Bingham), Lot 22. The variance will allow them to replace a very old and hazardously steep wood ladder/stairway structure which they currently use to access their dock on Hayden Lake. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Elizabeth Gill, Applicant, referenced her presentation photographs showing the steep site with their deteriorating stairwell and the northern portion that could be built on. Ms. Gill added the Bingham's provided a support letter in favor of a zero setback from the common property boundary line between the Applicant's lot, Lot 21 and their Lot 22. Prior to applying for the variance they met with four different builders and no tram or spiral access would work due to unstable soils, rock formations and decomposing granite turning to sand. They feel they had exhausted all possibilities prior to approaching their neighbor to cross the common property boundary line on the northern slope.

**Exhibit:** HE 1000 – Presentation submitted by Elizabeth Gill.

**Public Testimony:** Comment Sheets submitted: 1, Applicant/Representatives - 1; In Favor - 0, Neutral - 0, Opposed – 0. The names and address of the individuals speaking or submitting comments are part of the record.

**Applicant Rebuttal:** None.

There being no further comments from the public, testimony was closed on this item at 6:57 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,

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Kathryn Ford, Recording Secretary