

**MINUTES  
KOOTENAI COUNTY HEARING EXAMINER  
PUBLIC HEARING**

**NOVEMBER 17, 2016  
KOOTENAI COUNTY ADMINISTRATION BLDG.  
ROOM 1**

**HEARING EXAMINER  
STEVEN FRAMPTON**

**STAFF PRESENT  
MEL PALMER  
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 6:22 p.m.**

HEARING EXAMINER MINUTES  
NOVEMBER 17, 2016

**CASE NO. ZON16-0003**

**Type: Zone Change, a request by Harrison Indian Mountain LLC**, to change the zoning classification of a parcel totaling approximately 260 acres from Agriculture to Rural with a Conditional Zoning Development Agreement. The Rural zone density would allow up to 52 parcels on the property at 1 parcel per 5-acre density. The Conditional Zoning Development Agreement limits the future development to 30 total residential units, an average density of 1 unit per 8.7 acres. The Parcel Number is 47N03W-33-1600 and described as: SW-NE, SE-NW E2-SW, W2-SE, W2-NE-SE, of Section 33, Township 47 North, Range 3 West, Boise Meridian, Kootenai County, Idaho. The subject parcel is addressed as 3400 S. Indian Mountain Road. (*Mel Palmer-Planner*)

**Staff Presentation:** Mel Palmer, Planner, introduced the application providing a brief overview of the zone change request from Agriculture to Rural on approximately 260 acres with a Conditional Zoning Development Agreement (CZDA). The CZDA would limit the density of the land to 30 parcels with approximately 8 acres for use in any subsequent subdivision applications. She added the Comprehensive Plan designates the subject parcel as Shoreline. The Shoreline designation recognizes that development demand is high in these areas and recognizes that measures must be in place to protect surface water quality. Ms. Palmer stated public agencies provided their responses and the East Side Highway District added if the area were developed access would need to be done to highway district standards. The site was posted and based on the signed affidavits in the file, the public notice requirements have been met.

**Applicant Presentation:** Rand Wichman, Applicant Representative, provided additional information stating this site is as far south as you can go into Kootenai County. With the proposed CZDA it would provide a 40% reduction in density from the current zoning designation. He added the conditions have changed in the past 44 years and now smaller farming is attempted with some success. In 2010 the Comprehensive Plan acknowledged the land use as transitional and changed the designation to shoreline. Shoreline encourages cluster subdivisions and Agriculture has no subdivisions. The rural zoning requested is the clear choice between the two. Mr. Wichman supported the CZDA to minimize design and the issues expressed for the roads, wildlife and water availability which can be addressed during any subdivision consideration.

**Exhibit:** None.

**Public Testimony:** Comment Sheets submitted: 6, Applicant/Representatives - 1; In Favor - 1, Neutral - 0, Opposed - 4. The names and address of the individuals speaking or submitting comments are part of the record.

- Increased density would bring traffic and paving to ruin the area
- Tax increases would be needed for the additional fire and police protection
- Fire and wildfire protection challenges
- Loss of rural lands to subdivisions
- Wildlife impacts
- Serious water access
- Smaller residential parcels have been abandoned due to lack of water
- Access to the area is one way in and one way out
- Currently there is plenty of vandalism and trespassing in the area
- More residents would increase the crime

**Applicant Rebuttal:** Rand Wichman, Applicant Representative, stated he respects the opinions expressed but the concerns argue in favor of approval instead of denial. Currently as the parcel sits the owner can divide and develop without any opportunity for public input. If this zone change with the CZDA were to be approved any subdivision request would require a public hearing for concerns which result in conditions of approval. The minimum lot size for the Rural zone is five acres and would allow up to 52 parcels more than what is required to make reasonable use of the property. The CZDA proposed would reduce the density limits for future development to 30 total residential units. Mr. Wichman concluded this zone change approval would move towards a better use of the property with parcels taking advantage of the views, consideration for the wildlife habitat, provide water studies and incorporate public input for any proposal.

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There being no further comments from the public, testimony was closed on this item at 6:22 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