

BOARD OF COUNTY COMMISSIONERS
MINUTES OF PUBLIC HEARING
January 2, 2020
John and Gaila Condon Living Trust

Commissioners Present: Chair Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks

Commissioner Absent: None

Staff Present: David Callahan, Pat Braden, Mary Shaw, Vlad Finkel and Kathryn Ford



The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chair Fillios called the hearing to order at 2:00 pm and 6:00 pm. The members were polled for conflicts of interest. The members were polled for conflicts of interest. No conflicts were expressed.

CONFLICT(S): None

CHANGES: None

Public Hearing continued from December 11, 2019

Case No. ZON18-0016, a request by John and Gaila Condon Living Trust to complete a Zone Change from Restricted Residential to Commercial of a portion of a parcel consisting of 107.59 acres. The portion of the parcel for this request is a peninsula north of Highway 97 and above the ordinary high water mark (2128.7' NAVD88) of Lake Coeur d'Alene, approximately 0.5 acre in size. The subject land is currently undeveloped. Access to the project site is from Highway 97, a public road maintained by Idaho Transportation Department. The Applicant is affiliated with North Idaho Maritime. It is the intent of the Applicant to use the subject portion of the parcel as a staging area to load construction materials and equipment for dock and waterfront construction activities. The parcel number is 49N02W067000. The parcel is described as: Tax # 5934, LT 7, SE-SW, S2-SE EX Tax #s ALL EX RW in Section 06, Township 49 North, Range 02 West, B.M., Kootenai County, Idaho. The subject property is located at 6719 S. Highway 97. The Hearing Examiner held a public hearing on May 16, 2019 and requested a Conditional Zoning Development Agreement (CZDA) be submitted for a second hearing. The CZDA has been submitted. The Hearing Examiner held a second public hearing on October 17, 2019 and recommended approval with the CZDA. The Board held a public hearing on December 11, 2019 and continued the public hearing to a date certain of January 2, 2020. (*Vlad Finkel-Planner*)

2:00PM

Staff Presentation: David Callahan, Director, addressed the Board stating there were some recent developments regarding this application request. His apologies were expressed to the Applicant and the Board since this case was improperly processed. In brief, within the past few days a 30 year old rezoning order, amended order and ordinance was discovered. At the time the maps were hand drawn for the county zoning and by 1995 there was a digital process accepted for mapping. With the transition from AutoCad to the current GIS shape file mapping the programs were different and this area was not correctly mapped. He added it is very frustrating processing something for no useful purpose. There are measures being taken by staff today to review and compare the historical records for accurate mapping data. Director Callahan recommended the Board take no action or receive additional testimony and continue this public hearing to 6:00pm as legally noticed on the agenda and then close the hearing.

Exhibits: B 1000 – Presentation submitted by David Callahan.

Chair Fillios confirmed the Board was agreeable to Director Callahan's recommendation and called Rand Wichman, Applicant Representative to make a statement.

Applicant Presentation: Rand Wichman, Applicant Representative, addressed the Board stating they felt bad due to all the effort put forward to present this request. He added due to Director Callahan's guidelines they would agree to withdraw the request understanding it would take effect this evening at the 6:00 pm hearing closure.

Chair Fillios addressed the public in attendance stating the Board would take questions from the public but there would be no testimony received regarding this zone change application.

Public concerns were addressed by the Board, Community Development Staff and Legal. Director Callahan stated in closing that staff is always available for questions and application information is available for viewing by accessing the files on-line.

Public Testimony at 2:00pm and 6:00pm: Not Applicable.

6:00PM

Staff Presentation: David Callahan, Director, addressed the Board apologizing for the errors in the mapping system which has prompted this case to be improperly processed. He confirmed zoning for Kootenai County is changed by ordinance which makes it law unless legislation changes the law. The zoning found in the Amended Order of Decision and Ordinance of 30 years ago is legal. It expressly locates the property and is duly signed and authorized by the Board and Attested by the Clerk. The zoning map was then amended and drawn in. The transition from AutoCad to the current GIS system did not transfer data as accurately as it should have. The original file can be accessed on-line. Director Callahan informed the Board the site will still need to go through a Special Notice Permit process which involves conditions placed on the site. This would be a Director's decision and could be appealed by the public or the applicant before the Board of County Commissioners.

Applicant Presentation: Rand Wichman, Applicant Representative, stated the Staff took a bit of a beating earlier this afternoon. He added Staff is under paid and under appreciated and mistakes happen on both sides and they are not bad people but just people. He appreciates working with the department. Community Development is a work in progress because this stuff is hard and ever changing. Mr. Wichman stated on behalf of his client they would like to formally withdraw this zone change request.

Pat Braden, Staff Attorney stated to keep the record clear a motion to dismiss based on the withdraw of the application and the basis of mootness.

Exhibits: B 1000 – Presentation submitted by David Callahan.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to accept Rand Wichman, Applicant's Representative, statement to withdrawn and close Case No. ZON18-0016 since the case is no longer valid for a zone change request.

Commissioner Brooks	Aye
Commissioner Duncan:	Aye
Chair Fillios:	Aye

Decision:	Closed
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Deputy Clerk's Signature: _____
January 2, 2020