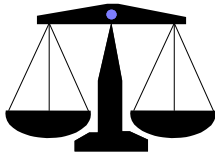


**MINUTES
KOOTENAI COUNTY HEARING EXAMINER
ROOM 1 and VIRTUAL PUBLIC HEARING**

**May 5, 2022
KOOTENAI COUNTY ADMINISTRATION BLDG.
ROOM 1**

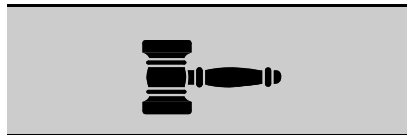
**HEARING EXAMINER
KARL GRANRATH**

**STAFF PRESENT
BEN TARBUTTON
AMY HILLAND
DAVID CALLAHAN
JENNIFER CONNER
BETSY ANDERSON**



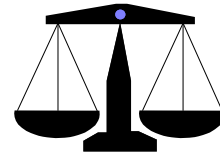
**MINUTES
PREPARED BY:**

JENNIFER CONNER
Recording Secretary



A handwritten signature in black ink, appearing to read 'K. Granrath'.

KARL GRANRATH
Hearing Examiner



**MINUTES
REVIEWED BY:**

AMY HILLAND
Planner II

The Official Record of Public Hearing is available on-line at
www.kcgov.us

Karl Granrath 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 a written recommendation to the Board of County Commissioners, who will make the final decision.

The hearing was adjourned at 6:39 p.m.

HEARING EXAMINER MINUTES

MAY 5, 2022

CASE NO. ZON21-0002

Kellner Zone Change. The applicant is requesting a zone change from Agricultural to Rural for a parcel of land approximately 50 acres. The parcel number is 49N03W054300 and is described as: TAX#25543 in section 05, Township 49N, Range 03W. B.M, Kootenai County, Idaho. The subject site is located at 6434 S. Gozzer Road, Harrison, Idaho.

Staff Presentation: Amy Hilland, Planner II, introduced the case with a PowerPoint presentation. Ms. Hilland explained how this parcel is located on the east side of Lake Coeur d'Alene, and is adjacent to Gozzer Ranch Lake and Golf Club Planned Unit Development ("Gozzer PUD"), but is not within the Gozzer PUD, and will not be an expansion. This is the only parcel on this peninsula that is zoned Agriculture and is surrounded by parcels zoned Rural and Restricted Residential. Agency comments did not have any abnormal requests. At the time of the staff analysis, there were five public comments, and one more came in before the deadline. These were all in opposition. These all hold merit, however they were all related to the future development, and not specific to the zone change itself. According to the staff analysis the applicant has met all application requirements for the zone change. The zone change is compatible with the surrounding area.

Hearing Examiner had a question regarding the concerns of possible spot zoning. David Callahan responded by stating that spot zoning singles out small parcel for a use totally different from that of the surrounding area for the benefit of the owner contrary to public purpose. This Agricultural zoned parcel is currently not being used for agricultural purposes. This parcel was originally zoned Restricted Residential and was changed to Agricultural in the 1973. Ms. Hilland adds, agricultural uses are still permitted within the Rural zone as well as other uses.

Hearing Examiner also requested confirmation of when the Gozzer PUD was created. Ben Tarbutton confirmed that it approved either in 2004 or 2005.

Applicant Presentation: Sandy Young with Verdis, applicant representative, stated the highlights of the narrative she wrote. Ms. Young submitted two exhibits for the record. Site hosts a home with outbuildings. Back in 2002, Ms. Young toured the land and explained how the bedrock is very shallow, and is not compatible for raising cattle. The applicant is requesting a zone change to Rural and never asked for Restricted Residential due to there not being any desire to divide the property any more than the 4 lots that are in the plan after the zone change to Rural. The county has seen over 800 zone changes since 1973. The Comprehensive Plan Land Use Designation being Country encourages open spaces, which this zone change would reflect.

At time of pre-application meeting, Verdis discussed the zone change application, minor subdivision and CUP for a golf course to make sure the applicant would not be wasting any time or money, and there does not seem to be any issues looking forward.

Unsure when this property was last used as agricultural.

Exhibit: HE-1000 – Presentation by Amy Hilland
HE-1001 – Map presented by Sandy Young
HE-1002 – Approach Permit presented by Sandy Young

Public Testimony: Comment Sheets submitted: 2, Applicant – 2; 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, testimony was closed on this item at 6:39 pm.

Submitted by,


Jennifer Conner, Recording Secretary