

Isaiah Harrison

The Idaho Business Review reported in 2018 that Idaho has the ten fastest growing cities by percentage in the United States. Boise took the number seven place with our hometown of Coeur d' Alene coming in at fifth. I myself have seen this continual shift and growth as I have trained on the lake, this very bay in fact, for six days a week in what I hope is an Olympic qualification in rowing.

My continual use of the lake has allowed me more exposure to this area than most, and as such gives me an acute understanding of what this bay is used for and how it should be preserved. Yes, Idaho is growing, and Coeur d' Alene in particular, but we have to develop in such a way that allows for continued tourism and sustainable future development, both of which would be significantly damaged by Mr. Condon operating his business out of this location.

I am going to do two things for you. First I'll be examining how the recreational aspect Wolf Lodge Bay conflicts with the desired uses. Secondly, we'll look at how the current zoning is completely inappropriate for the proposed usage.

According to the Idaho Department of Environmental Quality it says, " While a water body may have competing beneficial uses, federal law requires DEQ (Department of Environmental Quality) to protect the most sensitive of the beneficial uses." Essentially what we have here is a competing beneficial use. Luckily there is an established criterion for determining which use should be valued. There are three criterion. 1: Physical, chemical, and biological characteristics. 2: Geographic setting and scenic qualities. 3: Economic and public use.

1: Both Lake Coeur d' Alene and Wolf Lodge Creek are labeled under primary contact recreation, which means that the water quality is high enough for things like swimming, skin diving, and boating. The high water quality in Lake Coeur d' Alene is a prime reason that tourism is such a large industry, and industry on which Mr. Condon relies. Forbes reported saying, "The city, which is located on the north shore of Lake Coeur d'Alene, owes a large part of its growth to a substantial increase in the tourism industry."

2: Geographic setting and scenic qualities. Wolf Lodge bay is located along Highway 97, a state designated scenic byway. It is also widely recognized as one of the most pristine and perfect parts of the lake, as recognized by a number of sources. Lake Coeur d'Alene as a whole has been recognized repeatedly as one of the most scenic and pristine lakes in the entire United States by multiple groups, including national geographic.

3: Economic and public use. The Economic and public use of the Wolf lodge bay area CANNOT be overstated. On any given summer day it is easy to count dozens, at times even hundreds of recreational boats within a mile of the proposed development site. This is largely due to the fact that there are two public boat launches and four public boat docks in the nearby vicinity, all within two miles of the property.

His property borders BLM land, on which there is a public boat launch just seven hundred feet away. And it is used year round between the eagle watchers, fisherman, and summer recreators this area is under constant scrutiny from visiting eyes. The Coeur d'Alene Cruises pass directly in front of the proposed building site. Ironically, Mr Condon already attempted to begin a development on an adjacent piece of land near Higgins point, and he was denied by David White, the parks and recreational leader from the Idaho department of Parks and Recreation, because of the recreational nature of the area. To put it simply, based on its current use the area is completely inappropriate for an industrial style development, and previous hearing wholeheartedly agree with this.

The former hearings concerning this property support that this is an improper use of this land. In 1986 the commercial rezoning was denied, it was denied again in 1989 and then in 1990 during a reconsideration the rezoning was significantly scaled back to convert the spit from residential to recreational commercial. The word recreational is repeated 11 times in the order. The word industrial or any reference at all to ANY other use than recreation- NONE!.

Page 1 of the order "commercial recreational buyer." Page three is says twice "commercial recreational development." On page four is specifies four times that it zoned for "recreational use." On page five it says, " The half acre located between the lake and highway would be a key location for commercial recreational uses." And it just goes on. Mr. Condon cannot and should not develop an industrial business on a recreational zoned piece of property that is surrounded by recreational use.

What we have here is a non-conforming use. This is defined by dictionary.law as "The existing use (residential, commercial, agricultural, light industrial, etc.) of a parcel of real property which is zoned for a more limited or other use in the city or county's general plan. Usually such use is permitted only if the property was being so used before the adoption of the zoning ordinance which it violates." This piece of property has been very clearly zoned commercial recreational, and Mr. Condon clearly wants to use it for an industrial purpose, meaning this change should not be permitted.

There are a host of reasons why Mr. Condon should not be allowed to develop this land. He is trying to shove a square peg in a round hole in that that this is a commercial recreational property, and he is using it for an industrial purpose. Not only that but because of the nature of Wolf Lodge Bay in how it relates to tourism and recreation Mr. Condon should not be allowed to build here. Based on the status quo, based on our cities needs and priorities, and based on federal law this development cannot be approved.



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- Carlie Stewart joins Zions Bank as Treasury Management officer
- Dan McElhinney named Idaho Transportation Department chief operations officer

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Idaho has Top 10 fastest-growing U.S. cities from north to south

By [Lizzy H. Carter](#) | [COLUMBIA JOURNAL](#) | [Business News](#) | [Local News](#) | [Top 10 Fastest Growing U.S. Cities](#) | [News](#) | [Photo](#)



Patrons dine at Crafted in downtown Coeur d'Alene in June. The northern Idaho city is the No. 5 fastest-growing metropolitan area in the country, according to the U.S. Census Bureau.

Five Idaho cities made various Top 10 fastest-growing metropolitan and micropolitan area lists released March 22 by the U.S. Census Bureau in the wake of the bureau's December announcement that Idaho is the No. 1 fastest-growing state.

Coeur d'Alene and Boise have the No. 5 and No. 7 spots, respectively, as the fastest-growing metropolitan areas in the country in terms of percentage growth.

Coeur d'Alene's metro area grew by 2.9 percent in 2017 with about 4,000 additional residents. The city was ranked No. 15 in 2016, according to the Census Bureau.

The six-county Boise metro area increased 2.8 percent to 709,845 in 2017 after ranking No. 17 in 2016. Bend, Oregon, ranked No. 4 on the same list, but it dropped from No. 3 the prior year. St. George, Utah; Myrtle Beach, Florida; and Greeley, Colorado are ahead of Bend.

Among micropolitan areas with urban clusters of less than 50,000 people, Twin Falls ranked No. 4 in population increase by number of residents with 1,958 new residents in 2017. Twin Falls has grown enough that the federal Office of Management and Budget in October elevated the city to a metropolitan area in August.



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Beneficial Uses

A water quality standard defines the water quality goals for a water body or portion thereof, in part by designating the use or uses to be made of the water. The beneficial use of a water body must consider its actual use, the ability of the water to support in the future a use that is not currently supported, and the basic goal of the Clean Water Act that all waters support aquatic life and recreation where attainable. Idaho must designate its uses accordingly.

A **designated use** is a beneficial use assigned to a specific water body in Idaho water quality rules. The Clean Water Act requires Idaho to recognize **existing uses**, which are uses that are/were actually attained in a water body on or after November 28, 1975, whether or not they are designated uses. In some cases, a water body does not have uses designated. For these water bodies, Idaho applies a **presumed use protection**, meaning the water body will be protected for cold water aquatic life and contact recreation. Often this presumed use protection is referred to as a presumed use.

In designating uses, Idaho considers the use and value of the water body for public water supply; for protection of fish, shellfish, and wildlife; and for recreational, agricultural, industrial, and navigational purposes. While a water body may have competing beneficial uses, federal law requires DEQ to protect the most sensitive of the beneficial uses.

Idaho evaluates the suitability of a water body for the uses based on the following:

- » Physical, chemical, and biological characteristics
- » Geographical setting and scenic qualities
- » Economic and public values

Beneficial Uses Identified in Idaho's Water Quality Standards

In general, different water bodies, and different portions of any given water body, are assigned various combinations of designated uses. A segment will almost always be classified for more than one designated use. The following are the beneficial uses identified in Section 100 of Idaho's water quality standards (IDAPA 58.01.02.100).

Aquatic Life

The standards associated with this use are designed to protect animal and plant species that live in the water. Some pollutants or conditions that affect aquatic life are water temperature, dissolved oxygen levels, and concentrations of toxic substances such as ammonia, metals, and pesticides. Therefore, Idaho's water quality standards set criteria for these pollutants or conditions to protect against adverse effects due to human activities.

Staff Contacts

Water Quality Standards Lead
Vacant
DEQ State Office
Water Quality Division
1410 N. Hillton
Boise, ID 83706
(208) 373-0502

DEQ Resource

Geography and Timing of Salmonid Spawning in Idaho [↗](#) (April 2014)

Related Pages

- Water Quality Standards
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Coeur d'Alene Lake Subbasin

Subbasin at a Glance

Hydrologic Unit Code	17010303
Size	651 square miles (416,333 acres)
Water Bodies with EPA-Approved TMDLs (Category 4a)	Beauty Creek, Black Lake, Carlin Creek, Cedar Creek, Cottonwood Creek, Cougar Creek, Fernan Creek, Fernan Lake, Fourth of July Creek, Kidd Creek, Latour Creek, Marie Creek, Mica Creek, Rose Creek, tributaries to Coeur d'Alene Lake, tributaries to Killamey Lake, Wolf Lodge Creek
Beneficial Uses Affected	Cold water aquatic life, salmonid spawning, primary contact recreation
Major Land Uses	Forestry, agriculture, urban
Date Approved by EPA	July 2000 EPA Approval Letter
Date Black Lake TMDL Approved by EPA	August 2011 EPA Approval Letter
Date 2012 Addendum Approved by EPA	November 2012 EPA Approval Letter
Date 2013 Addendum Approved by EPA	November 2013 EPA Approval Letter

Staff Contacts

Lake Management Plan Supervisor
Jamie Brunner
DEQ Coeur d'Alene Regional Office
2110 Ironwood Parkway
Coeur d'Alene, ID 83814
(208) 666-4623
jamie.brunner@deq.idaho.gov

Related Pages

- [Frequently Asked Questions about Subbasin Assessments and TMDLs](#)
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- [Coeur d'Alene Lake Management](#)
- [Coeur d'Alene Lake Tributaries Watershed Advisory Group \(WAG\)](#)
- [Black Lake Watershed Advisory Group \(WAG\)](#)
- [Coeur d'Alene Basin Restoration Partnership](#)

Subbasin Characteristics

The Coeur d'Alene Lake subbasin includes Coeur d'Alene Lake, Coeur d'Alene River, and several tributaries to these two water bodies.

1999 Subbasin Assessment and TMDL

Following analysis of data and modeling results, 18 water bodies in the subbasin

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Coeur d'Alene, ID



GROSS METRO
PRODUCT

\$6.4B

POPULATION

161.5K

MEDIAN HOUSEHOLD
INCOME

\$59,324

MEDIAN HOME PRICE

\$329,000

COST OF LIVING

4% above nat'l avg

COLLEGE ATTAINMENT

26%

NET MIGRATION

940 (year: 2018)

UNEMPLOYMENT

3.6%

MAJOR INDUSTRIES

**Health care, Tourism,
Publishing**

JOB GROWTH

3% (year: 2018)

As of December 2019

The city, which is located on the north shore of Lake Coeur d'Alene, owes a large part of its growth to a substantial increase in the tourism industry, encouraged by several resorts in the area. Two popular vacation destinations located near Coeur d'Alene are ski resorts Silver Mountain Resort to the east in Kellogg, and Schweitzer Mountain Ski Resort to the north in Sandpoint. Coeur d'Alene is home of the Ironman Coeur d'Alene, a number of college art programs, the Snake Pit Derby Dames and a well-known Christmas Tree ... [Read More](#)

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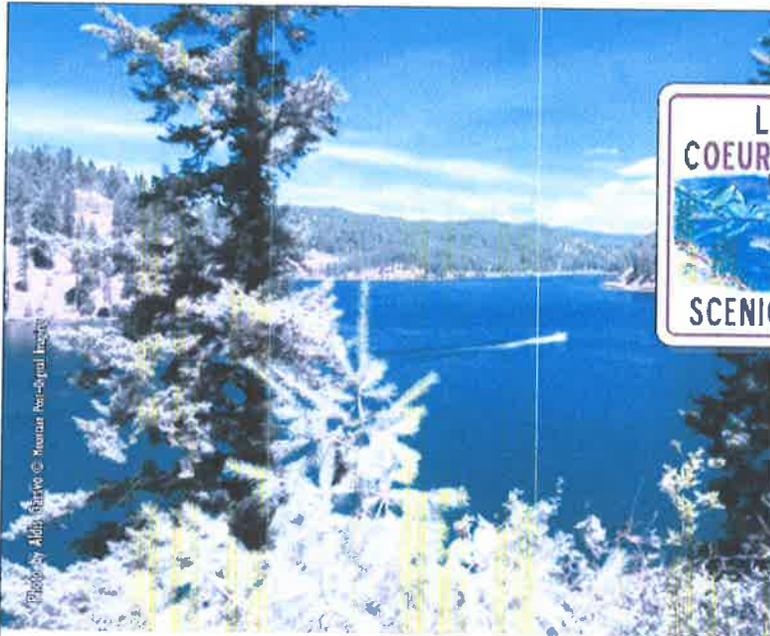


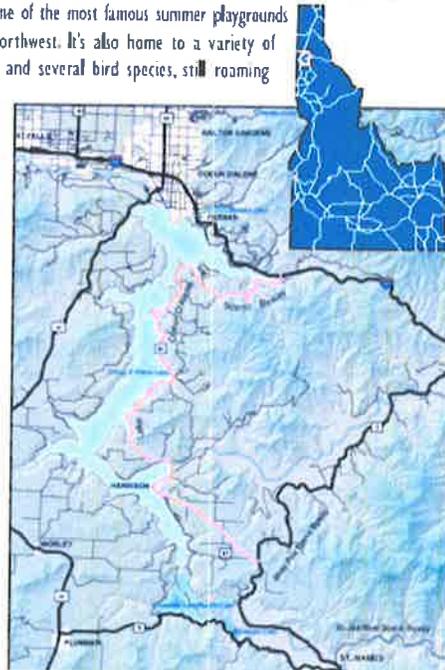
Photo by Albi Garvo © Mountain Post-Signal Images

Lake Coeur d'Alene Scenic Byway

The Lake Coeur d'Alene (cór-da-lane) Scenic Byway travels an area where the lakes, mountains, and beautiful summer weather have made it one of the most famous summer playgrounds and resort destinations in the Pacific Northwest. It's also home to a variety of wildlife, including moose, deer, elk, bear and several bird species, still roaming the pristine forests of northern Idaho.

Beginning at the junction of Interstate 90 and Idaho 97, the route travels south along the eastern shoreline of Lake Coeur d'Alene, home to bald eagles and the largest population of nesting osprey in the Western states. Take a break and stretch your legs on the Mineral Ridge Trail, which offers panoramic views of the lake, as well as several learning stations describing the area's botany and animal life.

The route continues through gentle hills and dense forests to the charming town of Harrison. This byway ends at Idaho 3, where it meets the White Pine Scenic Byway and its southern route to the Palouse.



Location - Begins at the junction of Interstate 90 and Idaho 97 and follows Idaho 97 south and east along Lake Coeur d'Alene to Idaho 3.

Length - 35.8 miles. Allow 1.5 hours.

Roadway - Idaho 97 is a two-lane, paved winding road with few passing lanes.

When to see it - Throughout the year. Eagle watching is great in December and January between Wolf Lodge Bay and Beauty Bay.

Special attractions - Lake Coeur d'Alene; Mineral Ridge Trail at Beauty Bay; Historic Harrison; Thompson Lake Wildlife Refuge; Trail of the Coeur d'Alenes.

Camping - Beauty Creek east of Beauty Bay, Bell Bay near Harrison, city of Harrison.

Services - Partial services in Carlin Bay, Squaw Bay, and Harrison. Full Services in Coeur d'Alene.

Contacts - Coeur d'Alene Area Chamber of Commerce: 208-664-3194 or 877-782-9232, info@coeurdalene.org, www.coeurdalene.org; St. Maries Chamber of Commerce: 208-245-3563, www.stmarieschamber.org; Harrison Chamber of Commerce: 208-689-3669, www.harrisonidaho.org; Idaho Panhandle National Forest: 208-765-7223.

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WHAT TO KNOW ABOUT LAKE COEUR D'ALENE



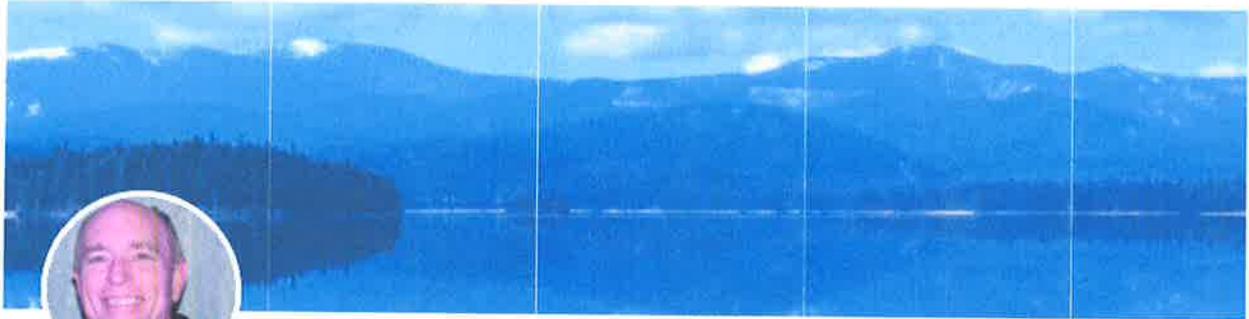
Welcome to a waterfront playground. For those who love warm sunshine, deep blue water and scenic beauty, Lake Coeur d'Alene is one of summer's finest destinations. With blue skies, long days and warm summer evenings, there's no better place to be.

Lake Coeur d'Alene is perfect for boating, swimming, wakeboarding, paddle boarding, scenic cruises, kayaking and just soaking up the gorgeous Idaho sunshine. Waterfront trails, beaches and parks make for a wonderful escape.

Once described by National Geographic as one of the five most beautiful lakes in the world, Lake Coeur d'Alene is 25 miles long and 10 miles across at its widest point, with an average depth of about 100 feet.

Lake Coeur d'Alene is a natural lake fed by two rivers, the Coeur d'Alene River and the St. Joe River. The single outlet is the Spokane





David White

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About

I am actively involved in providing quality park and recreation experiences and opportunities in an efficient and effective manner to enhance user and recipient lives and ensure resources are utilized and maintained for current and future use. I have . . .

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- Developed and managed various multi-use recreation facilities and opportunities – campgrounds, group camps, day-use areas, shower houses, boat ramps/docks, swimming pool, historical/cultural sites, shelters, cabins, beaches, office/shop complexes, restroom facilities, playgrounds, Frisbee golf course, multi-use trails, and roads.
- Administered annual operations' budgets in excess of \$2.4 million and capital improvement projects in excess of \$7 million funded through multiple resources.
- Supervised numerous employees including managers, office assistants, maintenance technicians, temporaries/seasonals, special programs, and volunteers, plus contractors and concessionaires.
- Developed and coordinated relationships and agreements with various public, special interest

ORDER

The Kootenai County Board of Commissioners received a recommendation from the Kootenai County Planning and Zoning Commission, after a duly-noticed public hearing, that the James and Jack Simpson (S & S LTD) request Z-581-89 be denied for a zone change from Restricted Residential to Commercial for approximately 120 acres along the southern shoreline of Wolf Lodge Bay. The site is described as Tax No. 5934, Government Lot 7, the SE 1/4 of the SW 1/4, and the S 1/2 of the SE 1/4, except Tax No. 7612, all in Section 6, Township 49 North, Range 2 W.B.M.

The Kootenai County Board of Commissioners issued a Notice of Public Hearing to be held on September 26, 1989, and caused said Notice of Public Hearing to be published in The Coeur d'Alene Press on September 11, 1989. At said hearing before the Board of County Commissioners, persons were asked for testimony either in support of or opposition to the zone change.

The Kootenai County Board of Commissioners, upon review of the file containing the record of all proceedings related to the proposed zone change, found as facts that:

1. The site is zoned Restricted Residential and is in the Commercial Comprehensive Plan designation.
2. The Applicant proposes Commercial zoning to enhance the potential for attracting a commercial recreational buyer/developer for the property.
3. Surrounding zoning and uses include approximately 60 acres of Commercial zoning to the east which is the site of the CDA RV Resort campground; 130 acres of primarily unused Commercial zoning to the north, which contains the Fish Inn; Restricted Residential zoning to the west; and Rural zoning to the south. Permanent and seasonal residential uses are located to the west. The land to the south is owned by the Bureau of Land Management.

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Tom Robb, Arrow Point Resort; Robert Lowe; W. W. Nixon; Ben Mitson, Squaw Bay Resort; Arthur Hunter; Skip Murphy; Jim Meckel; Catherine Geinzer; John H. Miller; Richard Lyseng; Mike Olson; Ozzie Walch; Ron Edinger; Ron Nicklas; Bryan Ross; and Joseph McCoy. (18 in support)

13. The following persons submitted letters in support of appropriate zoning or commercial recreational development: Duane Hagadone; Lawrence Edinger; George Gumprecht, M.D.; Steve Deeds, Lake CDA RV Resort; R. K. Potter, Jobs Plus; Kenneth Jacobsen; Barbara Strickfaden, CDA Convention and Visitors Bureau; Joseph Henelys; Donald Johnston; and CDA Mayor Ray Stone. (8 in favor of commercial/recreational development)

14. Letters in opposition were received from: Art Manley; Sandra Collins; Idaho Wildlife Federation; Mary and George Felden; Shirley Horning Sturts; Wes and Gertie Hanson; Esther Stewart; Don Hesselgesser; Ken Rice, CDA Anglers; Linda Joyner; Scott Reed; and a petition from 17 residents of the Beauty Bay area. (30 signatures opposed)

15. At the public hearing before the Board of County Commissioners, Ron Rankin spoke in favor of the request. The remainder of the testimony (4 persons) was in opposition or concerns were stated for the proposal.

16. The submerged lands are currently unzoned by Kootenai County since they are below the highwater mark of Lake Coeur d'Alene. The State of Idaho Department of Lands has jurisdiction over all uses and activities on or over the lake bed.

17. Legal requirements for notice of public hearing and notification of neighbors have been satisfied.

The Kootenai County Board of Commissioners concluded, upon the record before it, that:

1. There are ^{Few} no new trends in commercial development in the immediate area as evidenced by the undeveloped Commercial zoning to the north and east. ^{and} There are no existing uses to be recognized as commercial. There is a lack of commercial

recreational facilities available for public use and a lack of available commercial zoning on the lakefront. The site previously contained a commercial use.

2. Commercial recreational uses could enhance the surrounding properties; however, assurance of that type of development should be handled through the conditional use or planned unit development process.

3. With the other land use processes available, there would be no effect since he has indicated a desire to develop the site for commercial recreational activities. The Applicant has also indicated a desire for rezoning to enhance potential for attracting a buyer. Speculation is not an appropriate method to show conformance with Comprehensive Plan Goals, or the requirements of Idaho Code and the Kootenai County Zoning Ordinance.

4. Zoning the flooded lands and lake bed would have almost no affect on the property owner since all activities and uses below 2128 WWP are regulated by the State of Idaho Department of Lands.

5. Approval of the portion of the site between the lake and the highway would conform with the following Goals of the Comprehensive Plan:

A. Goal No. 5 - "The Planning Commission should encourage other public and private agencies in Kootenai County to develop additional recreation areas within their respective jurisdictions and encourage expansion of existing recreation uses."

Additional recreational facilities would be an asset in this area. The Board of County Commissioners agrees with this Goal to encourage development of additional recreational areas and expansion of existing recreational uses.

B. Goal No. 15 - "Commercial development should be encouraged in areas that are:

- a) Compatible with commercial uses.
- b) That have adequate access and traffic circulation.
- c) Where they can provide adequate off-street parking."

Goal No. 16 - "Commercial businesses should be encouraged in districts or in clusters in key locations that will adequately serve the geographic location it is intended to serve. Strip development should be discouraged when not in accordance with the Comprehensive Plan."

Restricted Residential zoning is not an appropriate zone for this portion of the site. Access and traffic circulation for the site would be difficult; however, the problems with sight distance could be corrected in that location. Off-street parking will also be difficult, but not impossible. The 1/2-acre area located between the lake and the highway would be a key location for commercial recreational uses.

⑥ A change to Commercial zoning for the hillside area or flooded area would not conform with the following Goals of the Comprehensive Plan:

① A. Goal No. 8 - "Future growth should also occur whenever possible as a contiguous outward expansion of existing developments to assure continuity or construction of street, utilities, etc., and thereby reduce costs to the public and create less expense for the developer."

Goal No. 9 - "Future growth in the County should be promoted by filling in existing developed areas that already provide community services and utilities."

The site is not contiguous to an existing commercial center, although there are two smaller commercial uses located within the Commercial zoning to the north and east. These sites are not served by water, sewer, and other utilities. Full-scale commercial development of this site would not conform with the Goal of filling in areas already developed with community services and utilities. Although the site fronts on Highway 97, access to that roadway for the majority of the site will be extremely difficult or impossible due to steep slopes.

B. Goal No. 12 - "All development should proceed in a manner that is least disruptive of the natural elements in the environment."

AMENDED ORDER

The Kootenai County Board of Commissioners received a recommendation from the Kootenai County Planning and Zoning Commission, after a duly-noticed public hearing, that the James and Jack Simpson (S & S LTD) request Z-581-89 be denied for a zone change from Restricted Residential to Commercial for approximately 120 acres along the southern shoreline of Wolf Lodge Bay. The site is described as Tax No. 5934, Government Lot 7, the SE 1/4 of the SW 1/4, and the S 1/2 of the SE 1/4, except Tax No. 7612, all in Section 6, Township 49 North, Range 2 W.B.M.

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The Kootenai County Board of Commissioners, upon review of the file containing the record of all proceedings related to the proposed zone change, found as facts that:

1. The site is zoned Restricted Residential above the elevation 2128 WWP. The remainder of the property below 2128 WWP is currently unzoned lands. The entire site is in the Commercial Comprehensive Plan designation.
2. The Applicant proposes Commercial zoning to enhance the potential for commercial recreational development of the property.
3. Surrounding zoning and uses include approximately 60 acres of Commercial zoning to the east, which is the site of the CDA RV Resort campground; 130 acres of primarily unused Commercial zoning to the north, which contains the Fish Inn; Restricted Residential zoning to the west; and Rural zoning to the south. The land to the south and west is owned by the United States of America, Bureau of Land Management.

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17. Legal requirements for notice of public hearing and notification of neighbors have been satisfied.

The Kootenai County Board of Commissioners concluded, upon the record before it, that:

1. There are no new commercial businesses in the immediate area as evidenced by the largely undeveloped Commercial zoning to the north and east. These two areas contain businesses (the Fish Inn and KOA Campground) which do not entirely use their

properties. The subject site does not contain existing commercial uses, although the site previously contained a commercial use. There is a lack of commercial recreational facilities available for public use throughout the County and a lack of available Commercial zoning on the lakefront.

2. Commercial recreational uses could enhance the surrounding properties. Assurance of that type of development on the subject area south of Highway 97 should be handled through the conditional use or planned unit development process.
3. With the other land use development processes available, denial of the zone change for the portion of the property south and east of Highway 97 would have no adverse effect on the property owner.
4. Zoning the flooded lands and lake bed would have no affect on the property through Kootenai County jurisdiction since all activities and uses below 2128 WWP are regulated by the State of Idaho Department of Lands, U.S. Army Corps of Engineers, and other state and federal agencies. Alternatively, leaving the submerged land unzoned provides no zoning or development standards of any type. The application of a Commercial zone on the submerged lands, therefore, would place a more restrictive condition on the submerged lands than leaving them unzoned.

COMPLIANCE WITH COMPREHENSIVE PLAN
SUBMERGED LAND/AREA NORTH OF HIGHWAY 97

5. Approval of the portion of the site which is submerged and the area between the lake and the highway would conform with the following Goals of the Comprehensive Plan:
 - A. Goal No. 5 - "The Planning Commission should encourage other public and private agencies in Kootenai County to develop additional recreation areas within their respective jurisdictions and encourage expansion of existing recreation uses."

Additional recreational facilities would be an asset in this area. The Board of County Commissioners agrees with this Goal to encourage development of additional recreational areas and expansion of existing recreational uses.

B. Goal No. 15 - "Commercial development should be encouraged in areas that are:

- a) Compatible with commercial uses.
- b) That have adequate access and traffic circulation.
- c) Where they can provide adequate off-street parking."

Goal No. 16 - "Commercial businesses should be encouraged in districts or in clusters in key locations that will adequately serve the geographic location it is intended to serve. Strip development should be discouraged when not in accordance with the Comprehensive Plan."

Restricted Residential zoning is not an appropriate zone for this portion of the site. Access and traffic circulation for the site would be difficult; however, the problems with sight distance could be corrected in that location. Off-street parking will also be difficult, but not impossible. The 1/2-acre area located between the lake and the highway would be a key location for commercial recreational uses.

NONCOMPLIANCE WITH COMPREHENSIVE PLAN
HILLSIDE AREA/WETLANDS EAST OF HIGHWAY 97

6. A change to Commercial zoning for the hillside area/wetlands area would not conform with the following Goals of the Comprehensive Plan:

- A. Goal No. 8 - "Future growth should also occur whenever possible as a contiguous outward expansion of existing developments to assure continuity or construction of street, utilities, etc., and thereby reduce costs to the public and create less expense for the developer."
- Goal No. 9 - "Future growth in the County should be promoted by filling in existing developed areas that already provide community services and utilities."

The site is not contiguous to an existing commercial center, although there are two smaller commercial uses located within the Commercial zoning to the north and east. These sites are not served by water, sewer, and other utilities. Full-scale commercial development of this site would not conform with the

Minutes of Meeting
February 21, 1990
Page 2

January 10, 1990 Conducted Public Hearing Re:
Vacation Request (VS-407-89) - L.
Weed; Vacation Request (VS-405-89)
- D. Scott; Preliminary Plat (S-
403-89 & S-404-89) - Woodland
Heights 3rd Addition & Hayden View
Estates 7th Addition; Zone Change
(Z-583-89) - Cenex/Land O Lakes

January 17, 1990 Approve Dispatch Agreement
w/Kootenai Fire

January 24, 1990 Approve Temporary Hardship Use - M.
Everts

Approve Beer/Wine/Liquor License
Ordinance #149

Accepted Comments from R. Rankin
re: Justice Funding

January 31, 1990 Approve Zone Change Request (Z-583-
89) - Cenex/Land O Lakes

Deny Vacation Request (VS-405-89)-
D. Scott

Approve County Vehicle Policy

February 1, 1990 Enter Executive Session

February 6, 1990 Correct Terms of Appointment - EMS
Advisory Board

February 7, 1990 Approve Change Order #2 for
Courthouse Electrical Distribution
System

Approve Ordinance #151 Amending
Official Zoning Map for Z-582-89
(R. Bonuccelli) & Z-583-89
(Cenex/Land O Lakes)

Approve Preliminary Plat (S-403-89
& S-404-89) - Woodland Heights 3rd
Addition and Hayden View Estates
7th Addition)

Approve List of Tax Deed Properties

Approve Ordinance No. 150 County
Recreation Facilities

ORDER

The Kootenai County Board of Commissioners received a recommendation from the Kootenai County Planning and Zoning Commission, after a duly-noticed public hearing, that the James and Jack Simpson (S & S LTD) request Z-581-89 be denied for a zone change from Restricted Residential to Commercial for approximately 120 acres along the southern shoreline of Wolf Lodge Bay. The site is described as Tax No. 5934, Government Lot 7, the SE 1/4 of the SW 1/4, and the S 1/2 of the SE 1/4, except Tax No. 7612, all in Section 6, Township 49 North, Range 2 W.B.M.

The Kootenai County Board of Commissioners issued a Notice of Public Hearing to be held on September 26, 1989, and caused said Notice of Public Hearing to be published in The Coeur d'Alene Press on September 11, 1989. At said hearing before the Board of County Commissioners, persons were asked for testimony either in support of or opposition to the zone change.

The Kootenai County Board of Commissioners, upon review of the file containing the record of all proceedings related to the proposed zone change, found as facts that:

1. The site is zoned Restricted Residential and is in the Commercial Comprehensive Plan designation.
2. The Applicant proposes Commercial zoning to enhance the potential for attracting a commercial recreational buyer/developer for the property.
3. ~~Surrounding zoning and uses include~~ approximately 60 acres of Commercial zoning to the east which is the site of the CDA RV Resort campground; 130 acres of primarily unused Commercial zoning to the north, which contains the Fish Inn; Restricted Residential zoning to the west; and Rural zoning to the south. Permanent and seasonal residential uses are located to the west. The land to the south is owned by the Bureau of Land Management.

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Tom Robb, Arrow Point Resort; Robert Lowe; W. W. Nixon; Ben Mitson, Squaw Bay Resort; Arthur Hunter; Skip Murphy; Jim Meckel; Catherine Geinzer; John H. Miller; Richard Lyseng; Mike Olson; Ozzie Walch; Ron Edinger; Ron Nicklas; Bryan Ross; and Joseph McCoy. (18 in support)

13. The following persons submitted letters in support of appropriate zoning or commercial recreational development: Duane Hagadone; Lawrence Edinger; George Gumprecht, M.D.; Steve Deeds, Lake CDA RV Resort; R. K. Potter, Jobs Plus; Kenneth Jacobsen; Barbara Strickfaden, CDA Convention and Visitors Bureau; Joseph Henelys; Donald Johnston; and CDA Mayor Ray Stone. (8 in favor of commercial/recreational development)
14. Letters in opposition were received from: Art Manley; Sandra Collins; Idaho Wildlife Federation; Mary and George Felden; Shirley Horning Sturts; Wes and Gertie Hanson; Esther Stewart; Don Hesselgesser; Ken Rice, CDA Anglers; Linda Joyner; Scott Reed; and a petition from 17 residents of the Beauty Bay area. (30 signatures opposed)
15. At the public hearing before the Board of County Commissioners, Ron Rankin spoke in favor of the request. The remainder of the testimony (4 persons) was in opposition or concerns were stated for the proposal.
16. The submerged lands are currently unzoned by Kootenai County since they are below the highwater mark of Lake Coeur d'Alene. The State of Idaho Department of Lands has jurisdiction over all uses and activities on or over the lake bed.
17. Legal requirements for notice of public hearing and notification of neighbors have been satisfied.

The Kootenai County Board of Commissioners concluded, upon the record before it, that:

1. There are no new trends in commercial development in the immediate area as evidenced by the undeveloped Commercial zoning to the north and east. There are no existing uses to be recognized as commercial. There is a lack of commercial

recreational facilities available for public use and a lack of available Commercial zoning on the lakefront. The site previously contained a commercial use.

2. Commercial recreational uses could enhance the surrounding properties; however, assurance of that type of development should be handled through the conditional use or planned unit development process.
3. With the other land use processes available, there would be no effect since he has indicated a desire to develop the site for commercial recreational activities. The Applicant has also indicated a desire for rezoning to enhance potential for attracting a buyer. Speculation is not an appropriate method to show conformance with Comprehensive Plan Goals, or the requirements of Idaho Code and the Kootenai County Zoning Ordinance.
4. Zoning the flooded lands and lake bed would have almost no affect on the property owner since all activities and uses below 2128 WWP are regulated by the State of Idaho Department of Lands.
5. Approval of the portion of the site between the lake and the highway would conform with the following Goals of the Comprehensive Plan:

- A. Goal No. 5 - "The Planning Commission should encourage other public and private agencies in Kootenai County to develop additional recreation areas within their respective jurisdictions and encourage expansion of existing recreation uses."

Additional recreational facilities would be an asset in this area. The Board of County Commissioners agrees with this Goal to encourage development of additional recreational areas and expansion of existing recreational uses.

- B. Goal No. 15 - "Commercial development should be encouraged in areas that are:
 - a) Compatible with commercial uses.
 - b) That have adequate access and traffic circulation.
 - c) Where they can provide adequate off-street parking."

Goal No. 16 - "Commercial businesses should be encouraged in districts or in clusters in key locations that will adequately serve the geographic location it is intended to serve. Strip development should be discouraged when not in accordance with the Comprehensive Plan."

Restricted Residential zoning is not an appropriate zone for this portion of the site. Access and traffic circulation for the site would be difficult; however, the problems with sight distance could be corrected in that location. Off-street parking will also be difficult, but not impossible. The 1/2-acre area located between the lake and the highway would be a key location for commercial recreational uses.

6. A change to Commercial zoning for the hillside area or flooded area would not conform with the following Goals of the Comprehensive Plan:

- A. Goal No. 8 - "Future growth should also occur whenever possible as a contiguous outward expansion of existing developments to assure continuity or construction of street, utilities, etc., and thereby reduce costs to the public and create less expense for the developer."
Goal No. 9 - "Future growth in the County should be promoted by filling in existing developed areas that already provide community services and utilities."

The site is not contiguous to an existing commercial center, although there are two smaller commercial uses located within the Commercial zoning to the north and east. These sites are not served by water, sewer, and other utilities. Full-scale commercial development of this site would not conform with the Goal of filling in areas already developed with community services and utilities. Although the site fronts on Highway 97, access to that roadway for the majority of the site will be extremely difficult or impossible due to steep slopes.

- B. Goal No. 12 - "All development should proceed in a manner that is least disruptive of the natural elements in the environment."

MINUTES OF MEETING
JAMES AND JACK SIMPSON (S & S LTD)
ZONE CHANGE
DECEMBER 13, 1989

The Kootenai County Board of Commissioners, Chairman Frank Henderson, Commissioner Evalyn Adams, and Commissioner Bob Haakenson, met in a continuation of the regular meeting of the second Monday of December, 1989. Also present were Sandy Cobb, Lead Planner; Dennis Rhodes, Associate Planner; Joan Bramblee, Recording Secretary; and Julie Taylor, Recording Secretary.

The James and Jack Simpson (S & S Ltd.) request (Z-582-89) for a zone change from Restricted Residential to Commercial for approximately 120 acres along the southern shoreline of Wolf Lodge Bay has been previously deliberated. Staff was directed to correct the Order which denies the subject area south of the road and the submerged and marshy land and approves the zone change to Commercial for the .5-acre flat area.

Mrs. Cobb reviewed the changes discussed in previous deliberations. Regarding Conclusion No. 4, Chairman Henderson said it is relevant to talk about the affect on the owner rather than on the property.

Commissioner Adams said the Order reflects the changes as discussed. She made a motion to sign the Order denying the James and Jack Simpson (S & S Ltd.) request (Z-582-89) for a zone change from Restricted Residential to Commercial for approximately 120 acres along the southern shoreline of Wolf Lodge Bay for the subject area south of the road and the submerged and marshy land; and approving the zone change to Commercial for the .5-acre flat area. Chairman Henderson seconded the motion.

Under discussion, Commissioner Haakenson declared there is not enough land available under the existing conditions for a commercial use. He recognizes that an individual is entitled to use his property; however, this site will be difficult to engineer. The impact of commercial development in this area will be detrimental to the public good. Commercial development will open the door to problems with the lake.

Commissioner Adams said an owner has the right to use his property. The uses allowed in the Restrict Residential zone are not appropriate. This site was previously operated as a commercial use. The size of the site is restricted; there are safeguards in place to address some of the concerns expressed. The Board needs to encourage private development of recreational facilities as stated in the Goals of the Comprehensive Plan. Commissioner Haakenson stated encouragement from the Board is appropriate in suitable locations; this site is not suitable.

MINUTES OF MEETING
JAMES AND JACK SIMPSON (S & S LTD)
ZONE CHANGE
NOVEMBER 1, 1989

The Kootenai County Board of Commissioners, Chairman Pro Tem Evalyn Adams and Commissioner Bob Haakenson, met in a continuation of the regular meeting of the second Monday of October, 1989. Chairman Frank Henderson was absent. Also present were Sandy Cobb, Lead Planner; Dennis Rhodes, Associate Planner; and Joan Bramblee, Recording Secretary.

It was noted the James and Jack Simpson (S & S Ltd.) request (Z-582-89) for a zone change from Restricted Residential to Commercial for approximately 120 acres along the southern shoreline of Wolf Lodge Bay was previously deliberated; Staff has drafted an Order for denying the subject area south of the road and the submerged and marshy land; and approving the zone change to Commercial for the 2-acre flat area.

Chairman Pro Tem Adams disagreed with Conclusion No. 1; there is a need for recreational commercial property on the lakefront. Mrs. Cobb said showing a trend is different than showing a need; the following statement can be added: "There has been a need for commercial lakefront recreational facilities available for public use. There are no undeveloped commercial properties on the lake". Chairman Pro Tem Adams stated the following phrase should also be added "This site was previously used for commercial activities". Commissioner Haakenson noted the use was prior to the adoption of the Zoning Ordinance.

Chairman Pro Tem Adams said the references in the Order to a conditional use permit are redundant. She believes the request conforms to Comprehensive Goal No. 5. She cannot see the property developed to the density of its current zoning, Restricted Residential. Mrs. Cobb said a less dense zone, such as Agricultural or Rural, would be more appropriate. In reference to Goal No. 14, Mrs. Cobb explained Commercial development on the site would be inappropriate unless it is recreational in nature.

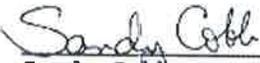
Mrs. Cobb advised the Board the area that is being approved, which was previously estimated at 2 acres, has been surveyed by the Bureau of Land Management at approximately 1/2 acre.

This item was tabled until a future date.

Submitted by,

Reviewed by,


Joan Bramblee
Planning Assistant/Secretary
Recording Secretary


Sandy Cobb
Lead Planner

MINUTES OF MEETINGS
JAMES AND JACK SIMPSON (S & S LTD)
ZONE CHANGE
OCTOBER 4, 1989

The Kootenai County Board of Commissioners, Chairman Frank Henderson, Commissioner Evalyn Adams, and Commissioner Bob Haakenson, met in continuations of the regular meeting of the second Monday of September, 1989. The purpose of the meetings at 10:15 a.m. and 2:00 p.m. was to discuss the Simpson zone change (Z-587-89). Also present were Sandy Cobb, Lead Planner; Dennis Rhodes, Associate Planner; and Joan Bramblee, Recording Secretary.

10:15 a.m.

Mrs. Cobb reviewed the James and Jack Simpson (S & S Ltd.) request for a zone change from Restricted Residential to Commercial for approximately 120 acres along the southern shoreline of Wolf Lodge Bay. She presented the Board with a draft of the Findings of Fact, Conclusion questions, and Tentative Conclusions for this request.

The Board recessed the meeting until 2:00 p.m. to allow time to review the Facts and Conclusions as presented.

2:00 p.m.

The Board of County Commissioners reconvened at 2:00 p.m. to consider the Simpson zone change.

Commissioner Haakenson questioned the legality of zoning areas that may not be under the purview of the Board because they are either submerged or marshy land. Mrs. Cobb said the Board can zone lakebeds or highways but the requirements of other agencies still have to be met.

Commissioner Adams said the need for recreational facilities would be a major factor in support of the zone change; there is a lack of that type of land. Mrs. Cobb said she would agree with the recreational aspect; however, that is available through the conditional use permit process.

Commissioner Haakenson questioned the statement in the Conclusions regarding the impact on adjoining lands. Mrs. Cobb explained that is based on comments made by a representative of the Bureau of Land Management and a petition submitted by neighboring property owners.

Commissioner Adams declared there is a trend which warrants a change; there needs to be some consideration of the lack of availability of recreational land on the lake. She has always believed this property would be very challenging to develop. The

property owner has the right to go through the process to see if there is something that can be done with the property. A conditional use permit would give more assurances that the development would be done in a proper manner. The Applicant did say that nothing would be done that would be detrimental to the area.

Chairman Henderson agreed with Commissioner Adam's comments. He stated, from his own knowledge, that all of the land south of the roadway has slopes between 45 and 60 percent; it is impossible that any construction could take place in that area. There is one area of the property, where the existing buildings are located, that may have Commercial potential; but that area does have a sight-distance problem.

Chairman Henderson recommended that the Board consider denying the zone change south of the road and making that area subject to either the planned unit development or conditional use permit process. The flat area, which consists of approximately 2 acres, should be considered for a Commercial zone change; the soils on the remaining area cannot be properly stabilized. He said he does not know how to handle the submerged or marshy land.

Commissioner Haakenson said he does not agree with the salability of the 2-acre portion of land; that small area is not big enough to develop. The site would require variances for setback and parking requirements. There is no guarantee that Highway 97 will be improved. He agreed that the area south of the road would be almost impossible to develop.

Commissioner Adams asked if lack of parking would prevent a small development. Commissioner Haakenson said any commercial development would require a certain amount of parking. Mrs. Cobb noted 35 feet front yard and 15 feet rear yard are the setbacks in the Commercial zone. Commissioner Haakenson said he could see a docking facility in that area, which would still require a certain amount of parking. Commissioner Adams declared there might be a way to develop the property south of the road. Chairman Henderson said a decision cannot be made based upon parking requirements without a specific proposal. There will be adequate safeguards if the 2-acre flat area is approved.

Commissioner Adams stated the Applicant pays taxes on the submerged land. She questioned why this request does not conform to Goal 5 of the Comprehensive Plan, which deals with encouraging the development of recreational areas in the County. Mrs. Cobb said there is no guarantee there will be recreational development on the property if a Commercial zone change is granted.

Commissioner Haakenson made a motion to direct Staff to draft an Order denying the James and Jack Simpson (S & S Ltd.) request (2-581-89) for a zone change from Restricted Residential to Commercial, utilizing some of the Conclusions from the Planning and Zoning Commission. Commissioner Adams confirmed the motion

Mert Lombard, 2790 Fernan Hill Road, Coeur d'Alene, Idaho, is a representative of the Bureau of Land Management. He said he would let the letter previously submitted stand.

Earl Hansen, 3666 Pineridge Drive, Coeur d'Alene, Idaho, stated the Idaho Wildlife Federation opposes this zone change request.

Charles Sheroke, 1621 Lost Avenue, Coeur d'Alene, Idaho, stated the past reconstruction of the highway did have an effect on this area. The eagle population has declined since then. This development will have a severe impact on the area.

Mr. Simpson said he has discussed the option of taking over the property with the Bureau of Land Management. He reiterated the Bay is very muddy which discourages the fish hatchery. The Commercial zone is being requested to avoid the engineering costs inherent in a residential development on this type of terrain. He would like to undertake a joint commercial venture; he will take care of the property.

Mrs. Robnett stated she hoped Mr. Simpson appreciated the fact that, once a zone change is granted, the Planning and Zoning Commission has nothing more to say about the development of the property.

Chairman Freeman closed public testimony on this item.

Chairman Freeman cited the allowed uses in a Commercial zone from the Zoning Ordinance and Restricted Residential zone. He is concerned that the only control, after the zone is changed, is the building permit process; the ~~wildlife habitat~~ could be destroyed. The best way to proceed with a recreational type of use in this location would be through the conditional use permit process under the existing zone.

Mrs. Robnett said she is sympathetic to the fact that if the public wants to protect the wildlife on this property, the public should pay for it. The Restricted Residential zone allows up to 5 units per acre; she would have the same concerns for wildlife with a residential development. A commercial development may be less invasive than residential. She would prefer to see the resort developed under a conditional use permit; she has not heard any proposed use that would not be allowed under that permit in the existing zone.

Mr. Joyner stated this is a controversial issue; he does not want to make a decision at this time. The information received tonight needs to be analyzed. Mr. LaValley said this property has the opportunity to enhance the lake. If the property can be improved, the owner should be allowed to do so. Charlotte asked if the Planning and Zoning Commission can recommend the Applicants go through the conditional use permit process. Mrs. Cobb advised her the Commission has to take an action on the current request first.

Mr. Joyner moved to table the James and Jack Simpson (S & S Ltd.) zone change request (Z-581-89), to the August 16, 1989, special meeting at 7:00 p.m. Mrs. Robnett seconded; the motion carried with Charlotte opposed.

1. Change of conditions that warrant a change in Zoning to Commercial from Restricted Residential:

- A. Re-alignment of Interstate 90 Highway
- B. Transition of entire area into a vacation/recreation area and economy.
- C. Recent purchase and refurbishing of KGA property.
- D. Improvements of Highway 97 adjacent to property.
- E. Increasing boat traffic and usage on Lake and burgeoning need for additional facilities.

More complete information will be presented to P/Z Comm. during required public hearing.

- 2. Any activity that might in the future occur in area would certainly not affect public health in any conceivable negative way. Public safety and welfare would be enhanced in a positive fashion when and if any proper development moves forward on subject property. There would be potentially better boating in area because of near unnavigable shallow mud bottom and attendant dead-heads thereon. Public welfare would most certainly be promoted and supplied by P/Z's blessing on the applied for Zone change. Any facility to be, in the future contemplated would be one strictly for the public's enjoyment.
- 3. Adjacent property's value would, without a doubt, be increased, especially that which is privately owned. BLM property, which is adjacent, should also be affected in a positive manner--perhaps due to increased activity on their Mineral Ridge Trail--which after all is for public use. Forest Service lands would not be affected in any measurable way inasmuch as they are located over the hill to the south and down the other side.
- 4. The effect on the applicants if the Zone change is disallowed (a negative recommendation) would be to in effect preclude the owners from extensive and sensible planning to reach a consensus on potential development of this property in any sensible way. Under the present Zoning (Restricted Residential) no practical or pragmatic person or group could rationally expend the huge monetary outlays necessary to properly examine, engineer, lay-out, finance, secure necessary permits, arrange and attend the multitude of future meetings and hearings and etc due to the unknown quantity that now exists on subject property--the Zoning.
- 5. It is quite obvious that the effect on the Comprehensive Plan would be to fulfill it and move the zoning into a category that is in total compliance with the Plan.

ALL OF THE ABOVE CATEGORIES WILL BE GONE INTO MORE COMPLETELY DURING THE HEARING PROCESS.

non-conforming use

n. the existing use (residential, commercial, agricultural, light industrial, etc.) of a parcel of real property which is zoned for a more limited or other use in the city or county's general plan. Usually such use is permitted only if the property was being so used before the adoption of the zoning ordinance which it violates. Example: a corner parcel has been used for a gasoline station for years, and now the city has zoned the entire area as residential (for homes only). The non-conforming use will be allowed as "grandfathered in," but if the station is torn down the only use would be residential.