

Stanley Harrison

MR. BLOMLEY

Good evening and thank you for allowing me to speak. My name is Stanley Harrison and I am the adjacent private property owner to the east. My property line is only 750 yards from the proposed development and my house sits up on the hill at the end of the lake and looks directly down on the site. My family and I are some of the most affected by this change because if it goes through we'll be forced to have the sights and sounds of a permanent construction-zone out our view 24/7.

Think about if it was your home- every time you look out your kitchen window, your dining room, your living room, your master bedroom. Anytime you sit on your deck. Anytime you and your kids play in your yard. You'll have to look down and see industrial barges and cranes blocking part of your view, see huge piles of logs and steel pipes and riprap material piled up on the shore. You'll have to listen to dock construction all day long. You'll hear heavy machines like huge cranes loading and unloading supplies and you'll hear equipment constantly driving in and out. It will be like you're living next to Construction Zone Hell that never ends and that you never can get away from.

My kids are sixth generation North Idahoans, our family has lived at Wolf Lodge Bay over 50 years and this change is going to have a huge impact to our quality of life. But it's not just the impact to our family- it's the impact to our entire communities' quality of life. This isn't just my front yard- its all of ours. Literally. It's the first thing you see when you come into the area and will literally block the view from the official viewpoint pull-off. You can't make this stuff up.

The campground next door has over 30,000 visitors a year. Nearly every scenic picture on their website is of a view that will be blocked by barges and cranes and a huge pier. Their campers are constantly in the bay with canoes, kayaks, and SUPS and instead of paddling in a beautiful bay they'll have to paddle around a constant construction zone.

So you might be curious- why would Camp CDA not oppose this industrial development? The campground owner is a developer himself that has multiple businesses and I've had a text from him that says he wants to expand to add treehouses and glamping up on the hillside. You don't have to be a big developer to realize that Condon may want to do more with his new 108 acres than just industrialize the bay. In fact North Idaho Maritime was started by John Stone who developed the huge Riverstone complex in Coeur d'Alene and who has been quoted as having developed over a billion dollars worth of properties. Many in our community are

fearful that this industrial use is just the nose of the camel under the tent of what could happen to Wolf Lodge Bay and that's why the campground owner won't go on the record to oppose this change when it so clearly goes against his business model of recreational use.

It is clear that this industrial use is 100% incompatible with all the adjacent uses. You have my residential acreage where I grew up and now raise my family, the Camp CDA which is completely recreational, Janie Fink's property which was historically a recreational campground and that she wants to make into a raptor research area, and you have two major BLM recreation sites on both sides of the bay including one of the most beautiful and popular hiking trails in the whole area located directly above the site.

When the zoning on this property was done in 1990 it was clearly stated in the order numerous times that it was for recreational use. Never once in the order does it say that it's zoned for anything else, especially industrial use. In fact in the planning minutes from Nov 1st 1989 it says, "Mrs. Cobb explained Commercial development on this site would inappropriate unless it is recreational in nature." Mrs. Cobb was the Kootenai County planning administrator.

This is NOT the right location for this business. John Condon has told me several times that he can operate on the south end of the lake but it's further for him and will cost him more. He also ALREADY can do dock construction in Cougar Bay so for him to sprawl to Wolf Lodge Bay is especially egregious. He's been operating just fine- he just wants this place because it's cheaper for him.

This location has terrible access from Hwy 97 and is not appropriate for bringing trucks in and out. He's located on the outside of a shady blind corner that has the highest accident rate of any place on the entire highway. The average accident rate on the highway for the last 20 yrs is 14.2 accidents/mile and where he wants to pull trucks in and out has an accident rate of 523.8 accidents/mile.

I'm an engineer and did a study and there's no way for a Department of Transportation standard 65' long truck that's legally allowed on the highway to pull out of his driveway without crossing into the other lane when turning right. Log trucks can turn tighter but even if he can get his trucks in and out on a good day, if another truck pulls in to deliver something it likely won't be able to get out without causing a safety hazard.

And why is the ingress/egress safety important to tonight's decision since it's above the high water mark? The ITD says directly in the permit that, "Permit will be void if traffic exceeds volume stated in app or safety issues arise."

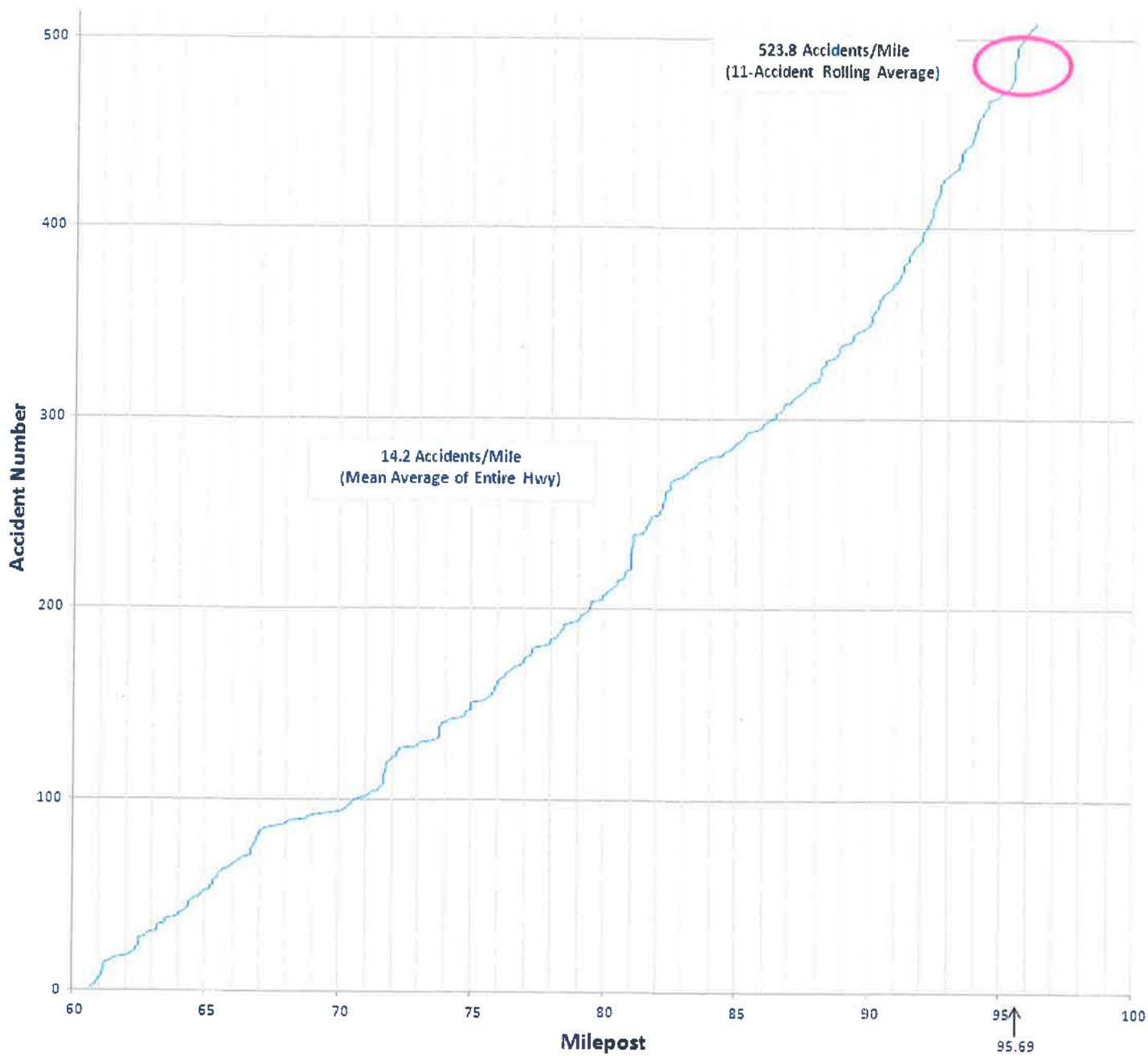
So we have a huge safety risk that has a high likelihood of getting shut down- what will we be left with if it is? A kokanee spawning area and creek mouth that's been torn up and a huge pier that will have to be torn down and the whole area gone through reclamation. Is it really worth the risk when common-sense says that this is absolutely the wrong location for this business?

We're not against North Idaho Maritime. We're just against them buying this land cheap on speculation and expecting the public to pay the cost for the benefit of one company. They can operate other places, they already are just fine, but this is absolutely the wrong location. Please deny this application- it's not right for this area and will cause considerable harm.

Thank you.









**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**  
600 W. Prairie Ave. • Coeur d'Alene, ID 83815-8764  
(208) 772-1200 • [itd.idaho.gov](http://itd.idaho.gov)

January 2, 2019

Elizabeth Anderson  
Kootenai County Community Development  
451 N. Government Way  
Coeur d'Alene, ID 83814

Re: ZON18-0016, John and Gaila Condon Living Trust

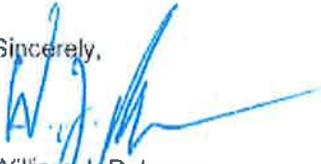
Dear Ms. Anderson:

The Idaho Transportation Department has reviewed the submitted Zoning Change Request for John and Gaila Condon Living Trust and provides the following comments.

Although the Department is not opposed to the requested zoning change; there is no existing encroachment permit for the location and the probability of issuing an encroachment permit for commercial access to the property is unlikely due to the safety impacts.

We appreciate your dedication and efforts to improve safety, mobility and economic opportunity in District 1.

Sincerely,

  
William J. Roberson  
Sr. Transportation Planner  
ITD District 1

**Original review was denied due to safety concerns.**

List any conditions of approval

Right in / Right out ONLY - MUST BE SIGNED BY PERMITTEE FOR INVITING TRAFFIC -

List reason(s) for denial recommendation

PERMIT WILL BE VOID IF TRAFFIC EXCEEDS VOLUMES STATED IN APPOR SAFETY ISSUES ARISE.

Acceptance and Approval to Work

ITD Permit Application Number 1-19-011

By signing this permit, the permittee or his authorized representative certify that they have been made aware of and agree with all requirements of the permit, including any and all restrictions and further agree to indemnify, save harmless, and defend regardless of outcome ITD from the expenses of and against all suits or claims, including costs, expenses, and attorney fees that may be incurred by reason of any act or omission, neglect, or misconduct of the permittee or its contractor in the design, construction, and maintenance of the work, which is the subject of this permit.

Property Owner / Authorized Representative's Signature	Company Name (If applicable)	Phone Number	Date
X  Scott McArthur FOR APPLICANT	H2 SURVEYING + ENGINEERING	208.964.0481	2/4/19

Subject to all terms, conditions, and provisions of this permit or attachments, permission is hereby granted to begin work within the State Highway Right-of-Way.

Idaho Transportation Department Authorized Representative's Signature	Title	Date
X 	Permit Coord.	2/25/2019

M/Design  
JRW Operations

LJB Traffic

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-587-89) 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

## 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.

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 in 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 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.

4. The majority of the site is undeveloped. A dilapidated structure is located on approximately 1 acre of fairly level land at the western boundary of the site between the highway and the lake. A floating cabin and dock area are located in the water over the submerged land. To the north of the building is flooded land below the 2128 WWP highwater mark. The northeastern portion is wetland/marshy area, also below the 2128 WWP highwater mark. The remainder of the site, south of the highway and County road, is primarily timbered land with extremely steep slopes (50% - 70%).
5. The site has direct access to Highway 97, which is maintained by the Idaho Department of Transportation. Trees and brush to the east and a severe corner to the west restrict visibility along the highway.
6. David Ortmann, Idaho Department of Fish and Game, has submitted a letter (PA1) stating concerns for the wildlife and habitat of the area.
7. Dave Asper, Department of Transportation, submitted a letter (PA2) for a different request, but noted the concerns for the impact on the highway are the same.
8. Mert Lombard, Bureau of Land Management, stated concerns in a letter (PA3) for commercial development destroying the management direction set by BLM and resulting in a loss of public values.
9. Jim Bellatty, Division of Environmental Quality, submitted a letter (PA4) stating concerns for flora, fauna, and water quality.
10. W. R. Pitman, Department of Lands, noted in a letter (PA5) that permits from that agency are required for any activity below 2128 WWP.
11. Shirene Sementi, Panhandle Health District I, advised in a letter (PA7) that their department's site review revealed "...subsurface sewage disposal is not feasible in this area, which makes commercial development virtually impossible."
12. Letters of support from the public were received as follows: Allan Gibson, Wolf Lodge Campground; Irene Green; Floyd Flowers, Beauty Bay Resort; Melvin Green; Marvin Vandenberg;

- 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. Four persons spoke in opposition and/or stated concerns 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 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

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."

Goal No. 13 - "The Comprehensive Plan should be a guide for growth that is visually pleasing, stimulating, and healthful while conserving our limited resources."

These Goals would most efficiently be met through the conditional use or planned unit development process to ensure future development does not disrupt the natural elements of the environment and is visually pleasing and healthful.

- C. 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 - "...Strip development should be discouraged when not in accordance with the Comprehensive Plan."

As noted above, many of the commercial activities allowed would not be compatible with the existing area uses. However, Restricted Residential zoning is not necessarily an appropriate zone for the entire site. Access and traffic circulation for the site would be difficult or impossible. Off-street parking would also be a major obstacle for the majority of the site. Further, the site is not adjacent to a cluster of commercial uses; rather, two small areas of the total 190 acres of Commercial zoning to the north and east are currently in use for commercial activities. Many of the uses allowed by the Commercial zone, if located at this site, would not be in a key location to adequately service a geographic area.

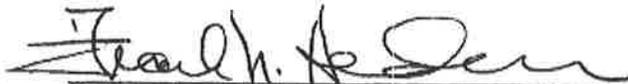
NOW, THEREFORE, IT IS HEREBY ORDERED by the Board of County Commissioners of Kootenai County, Idaho, that the James and Jack Simpson (S & S LTD) request Z-581-89 for a zone change from Restricted Residential to Commercial for approximately 120 acres along the southern shoreline of Wolf Lodge Bay shall be and the same is hereby denied; except the following described area is hereby approved for establishing zoning for the unzoned, submerged area as Commercial and changing the zoning from Restricted Residential to Commercial:

Tax No. 5934, Government Lot 7, and the SE 1/4 of the SW 1/4, all north of the north right-of-way line of Highway 97, in Section 6, Township 49 North, Range 2 W.B.M.

Further, this Order shall replace the previous Order dated December 13, 1989. To implement the provisions of this Order, an Ordinance shall be prepared by the Staff and submitted to the Board of County Commissioners for final consideration.

DATED this 21<sup>st</sup> day of March, 1990.

BY ORDER OF THE KOOTENAI COUNTY  
BOARD OF COMMISSIONERS



Frank N. Henderson, Chairman

ATTEST:

SHIRLEY A. DEITZ, CLERK



Evalyn R. Adams, Commissioner

  
BY: Deputy Clerk

 (opposed)  
Robert M. Haakenson, Commissioner