

PLANNING COMMISSION AGENDA
COEUR D'ALENE PUBLIC LIBRARY
LOWER LEVEL, COMMUNITY ROOM
702 E. FRONT AVENUE

NOVEMBER 28, 2017

THE PLANNING COMMISSION'S VISION OF ITS ROLE IN THE COMMUNITY

The Planning Commission sees its role as the preparation and implementation of the Comprehensive Plan through which the Commission seeks to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity and foster the safety of its residents.

5:00 P.M. CALL TO ORDER:

ROLL CALL: Messina, Fleming, Ingalls, Luttrupp, Mandel, Rumpier, Ward

APPROVAL OF MINUTES:

October 10, 2017

WORKSHOP:

1. Comprehensive Plan and Zoning Code Amendments

ADJOURNMENT/CONTINUATION:

Motion by _____, seconded by _____ ,
to continue meeting to _____, __, at __ p.m.; motion carried unanimously.

Motion by _____, seconded by _____ , to adjourn meeting; motion carried unanimously.

****The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Shana Stuhmiller at (208)769-2240 at least 24 hours in advance of the meeting date and time.***



MINUTES



**PLANNING COMMISSION
MINUTES
OCTOBER 10, 2017
LOWER LEVEL – COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Michael Ward
Lewis Rumpler
Brinnon Mandel

STAFF MEMBERS PRESENT:

Hilary Anderson, Community Planning Director
Tami Stroud, Planner
Sean Holm, Senior Planner
Mike Behary, Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, Deputy City Attorney

COMMISSIONERS ABSENT:

Peter Luttrupp
Lynn Fleming

CALL TO ORDER:

The meeting was called to order by Chairman Jordan at 5:30 p.m.

APPROVAL OF MINUTES:

Motion by Mandel, seconded by Ward, to approve the minutes of the Planning Commission Meetings on August 8, 2017, August 22, 2017 and September 12, 2017. Motion approved.

COMMISSION COMMENTS:

None.

STAFF COMMENTS:

Hilary Anderson, Community Planning Director, provided the following statements:

- Ms. Anderson stated that October is National Planning Month and that last year Sherman Avenue was designated as “A Great Street” and, in honor of that designation, a plaque will be installed on Sherman Avenue near Sherman Square.
- She stated that representatives from the City, CDA 2030, and community partners are heading to Kalispell, MT, for three days to attend the Community Builders Leadership Institute event. She explained that a discussion will be focused on the East Sherman revitalization were the City and CDA 2030 were awarded a technical assistance grant to assist with the completion of the East Sherman Master Plan.

- She stated that the City is working with Avista on a pilot project for placement of LED street lights between 8th and 11th Streets and Boyd and Pennsylvania Avenues (west of Lakes Middle School) within the Garden District neighborhood. She explained that Avista has been replacing the street lights in the Garden District with 3000-4000 Kelvin LED lights and is asking if the community will go out in the evening to those specific poles which are highlighted with a tag on a map to vote for the ones that they like, so the city can get feedback on if Avista should continue replacing all of their street lights with standard 4000K or if the LED lights should be a lower color temperature. She stated that many communities throughout the U.S. have adopted standards for lower color temperature LED lights within residential areas.
- She stated that we don't have any public hearings scheduled for November and suggested scheduling a workshop with a discussion on the Comprehensive Plan and the zoning amendments. Staff will look at an available date and email the commission about the workshop.

PUBLIC COMMENTS:

None.

PUBLIC HEARINGS:

1. Applicant: The Estate of Marvin Paul Keough
 Location: 7845 N. Ramsey Road
 Request: A proposed 4.6 acre annexation from County Agricultural to City C-17 LEGISLATIVE (A-3-17)

Sean Holm, Senior Planner, presented the staff report and stated that the applicant is requesting consideration of annexation for a +/- 4.63 acre parcel in Kootenai County, currently zoned Agricultural, to be incorporated into the City Limits with a C-17 zoning designation. He then provided the following statements:

- The subject property is located near the southwest corner of the intersection of Prairie Avenue and Ramsey Road.
- Currently there is an existing single-family residence with associated accessory storage structure(s) and a cell phone tower on a portion of the property, while the remainder is vacant. A small grove of trees near the cell phone tower also exists on the parcel.
- A mix of uses and zoning districts, both in the city and county, exist in the area.
- He explained the permitted uses allowed in the C-17 zoning district.
- He stated that the property is currently zoned Commercial in the county.
- He explained the findings that the commission must make for this project.
- He stated that per the Comprehensive plan this area is considered "Transition."
- He noted the comments from the various departments in the staff report.
- He presented recent photos taken of the subject property at different locations.
- He explained a map showing the existing land uses surrounding this property.
- He stated that there are three recommendations for the annexation agreement
- Staff has had discussions with the applicant's representative and is comfortable allowing the improvements to happen at the time of permitting (site or building) or within one (1) year, whichever occurs first which this modification will be reflected in the annexation agreement.
- Mr. Holm concluded his presentation and asked if there were any questions.

Commission Comments:

There were no questions for staff.

Public testimony open.

Drew Dittman, applicant representative, provided the following statements:

- Staff did a great presentation and he does not have much to add.
- He stated this is a straight-forward annexation for the city with the parcel surrounded by other commercial properties and feels requesting a C-17 zoning makes sense.
- Mr. Dittman concluded his presentation and asked if the commission had any questions.

Commission Comments:

There were no questions for the applicant.

Public testimony closed.

Discussion:

Commissioner Ingalls stated that this annexation is a “no-brainer” and by annexing this property into the city, it will help eliminate many of the “donut holes” not in the city, and agrees that C-17 zoning is the appropriate zoning for this parcel.

Motion by Ingalls, Seconded by Mandel, to approve Item A-3-17. Motion approved.

ROLL CALL:

Commissioner Ingalls	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Rumpel	Votes	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

2. Applicant: Welch Comer
Location: S. of vacated Garden Avenue, E. of Park Drive
Request: A proposed zone change from R-3 to R-8
QUASI-JUDICIAL (ZC-3-17)

Mike Behary, Planner, presented the staff report and stated that Welch Comer is representing Ignite CDA who is requesting approval of a zone change from R-3 to R-8 zoning district.

Mr. Behary provided the following statements:

- The subject property was recently part of a land exchange between the City of Coeur d’Alene and Ignite CDA. This land exchange was presented to the City Council prior to the Memorial Park renovations and the shared parking lot projects. At that time, the City Council supported the land exchange and recognized the advantage for the city to proceed with the land exchange. The City Council formally approved the land exchange on October 3, 2017.
- The land exchange has left the south portion of the property in the R-3 zoning district, which is the subject site of the proposed zone change.
- The applicant also owns the adjoining property to the north of the subject site. The north part of the applicant’s property lies within the R-8 zoning district.

- The applicant has indicated they would like to have one uniform zoning district over the entire property, allowing the applicant to include the subject property as part of their proposed development.
- The applicant is proposing to build a 10- lot subdivision that will be a part of the subject site and include property to the north of the subject site.
- The applicant has indicated that the subdivision will be restricted to single family residential use only. The applicant has made application for a 10-lot subdivision in Item S-3-17.
- He presented various photos showing the location, an aerial photo, and a bird's eye aerial.
- He explained that Planning Commission and City Council approved a zone change request in items ZC-11-89 and ZC-8-91SP, west of the subject property, from R-12 to R-17 in 1989 and in 1991, respectively.
- He noted that one more zone change was approved by the Planning Commission and City Council in 2002, to change the zoning from C-17L and C-17, to C-34 on the property to the east and south of the subject property, in item ZC-10-02SP.
- He went through the required findings.
- He stated that the City Comprehensive Plan designates this area is in the Education Corridor, but that the Historic Heart designation is also fitting since it is adjacent to that Comprehensive Plan designation.
- He noted in the staff report on page nine the various City Department comments.
- He presented a drawing of a land use map showing the subject property to be zoned and commented how the R-8 zoning would fit nicely with the other property.
- He stated that there are no conditions.
- Mr. Behary concluded his presentation and asked if the commission had any questions.

Commission Comments:

Commissioner Ingalls inquired how we can assure that the applicant will keep this a single family only and questioned if we still have the R-8-SF available.

Mr. Behary explained that is still available with the addition of a Special Use Permit.

Commissioner Ingalls inquired how we make sure that the R-8-SF designation is recorded on the plat.

Mr. Behary explained that the applicant intends to record that the subdivision would be limited to single-family homes on the plat and that the applicant can explain how he intends to do that.

Public testimony open.

Phil Boyd, applicant representative, provided the following statements:

- He commented that staff did a great job on the presentation.
- He explained they are requiring a zone change and showed a photo of the subject property explaining the area to be changed.

- He showed the commission a map of the original Four Corners Master Plan from November 2015.
- He stated that the parcel is odd-shaped and explained that the triangle piece is owned by Ignite CDA and as they were going through the process, the triangle piece owned by Ignite CDA wasn't part of the original Four Corners Master Plan.
- He explained as the project moved forward in 2015, with the first project developed was the piece that was originally called Fort Grounds Drive, was completed in 2016.
- He stated at the request of Mayor Widmyer the idea for a shared joint parking lot with the county that was approved and moved forward, but would need the assistance of some of Ignite CDA's land.
- He stated they had to reorganize the original park masterplan and discussed those changes with Ignite CDA, the County and the City, who liked the changes and the project moved forward with ten-lots, nine lots up front with one in the back that is the triangle piece.
- He explained that they met with the Parks and Recreation Commission and Bill Greenwood, Parks and Recreation Director who stated at their meeting that he felt that area was underutilized and liked the idea.
- He explained on the zoning map the property that is currently zoned R-8 with the triangle piece as R-3.
- Mr. Boyd explained that Ignite CDA board discussed if they should move forward with having one big lot or breaking up the property into two-big lots.
- Mr. Boyd stated that they had many meetings with Park and Recreation, staff and the Fort Grounds neighborhood and everyone agreed that this project needs to match the character of the Fort Grounds neighborhood.

Mr. Boyd concluded his presentation and asked if the commission had any questions.

Commission Comments:

Commissioner Ingalls inquired what is the percentage of the R-3 triangle piece to the other bigger property.

Mr. Boyd stated that he would estimate the parcel to be 25% of the bigger piece.

Ken Murphy presented a letter that outlined three things he wanted the commission to consider: Rezone all 10-lots to Single Family, do not include the three Land and Water Conversation Fund Agreements (LWCF) in the rezone but retain them as a park, and deny this plat and keep as part of the park expansion.

Bruce Wallies stated that he is opposed and feels that this parcel should remain a park. He questioned whether, if approved, some of the mature trees would remain and if the parcel can remain zoned R-8-SF like the other surrounding properties.

Jodee Gancayco stated that she is opposed and concerned about traffic.

Tony Berns stated that he is here tonight to offer his services to the commission if they have any questions regarding the agency's perspective.

Commissioner Rumpler inquired about the history on the homes previously on the property.

Mr. Berns stated that the homes were in bad shape. He commented that, years ago, this property was owned by Burlington Northern Railroad and they acquired this land back in 2006 from Burlington Northern. He explained that on the property were 10 existing houses with the intent of accumulating this property to create an investment opportunity and to acquire the public space for the community, but also to keep the property on the tax rolls, so it could help pay for the property.

Commissioner Mandel questioned if the intent is to keep the zoning R-8, why not have the R-8-SF zoning

for the whole parcel.

Mr. Berns explained that it has always been their intent to keep the lots as single family only.

Rebuttal:

Mr. Boyd provided the following statements:

- He stated the LWSF boundary is not under the City's jurisdiction and showed on the map where that boundary is located.
- He commented that, after working with Mr. Greenwood, they both felt the park will be getting bigger because of the land trade
- He stated it is their intent to preserve all the mature trees on the property.

Danilo Gancayco stated that he is opposed to the request and would like the property to remain single family only.

Mr. Boyd stated that when the plat is recorded the City will have the ability to place certain restrictions on it and they will make sure the designation of single family will be noted on the plat at the time it is recorded. He commented that all the partners for this project are in agreement to only put single family homes on this property.

Commissioner Ingalls stated that when a plat is recorded it's "solid" and feels that is good enough assurance that this property will have single family residences only. He questioned if the applicant would approve of a condition of the zone change action that the plat include a deed restriction to single family.

Mr. Adams stated that under the zoning code there is only an R-8 zone. There is not an R-8-SF zoning district and that "SF" is on a designation as a special use for that zone.

Chairman Messina clarified that a condition of approval should be added that states that any plat for the property be recorded to restrict to single family only.

Public Testimony closed.

Motion by Rumpler, seconded by Ingalls, to approve Item ZC-3-17 with the added condition. Motion approved.

ROLL CALL:

Commissioner Ingalls	Voted	Aye
Commissioner Rumpler	Votes	Aye
Commissioner Ward	Voted	Aye
Commissioner Mandel	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

3. Applicant: Welch Comer
Location: E. of Park Drive, W. of Northwest Boulevard
Request: A proposed 10-lot preliminary plat "Park Drive Addition"
QUASI-JUDICIAL (S-3-17)

Mike Behary, Planner, presented the staff report and stated that Welch Comer, representing Ignite CDA is requesting approval of a proposed 10 lot subdivision known as "Park Drive Addition" on a 1.77 acre parcel.

Mr. Behary provided the following statements:

- He described the land uses in the area include single-family residential, a public charter school, vacant land, and a parks and recreation facility.
- He noted the property is located in the vicinity of the Fort Grounds neighborhood where the predominant use is single family residential. The majority of lots in the Fort Grounds have alleys associated with the street network.
- He stated that "Park Drive Addition" is a proposed 10-lot subdivision. The proposed subdivision will have alley access toward the rear of lots.
- He explained that the building envelopes will be established on the final plat.
- He explained that the applicant has indicated that the subdivision is a result of a land trade between the City and the urban renewal district, Ignite CDA, that is resulting in an improved Memorial Park area, which is currently under redevelopment.
- He presented various photos showing the location and aerial photos of the property.
- He explained the various findings that are required.
- He showed a rendering of the preliminary plat "Park Drive Addition" and noted the various staff comments on page 5 of the staff report.
- He stated that the applicant has not requested any deviations and that there are two conditions for consideration.
- Mr. Behary concluded his presentation and asked if the commission had any questions.

Commission Comments:

There were no questions for staff.

Public testimony open.

Phil Boyd, applicant representative, provided the following statements:

- He described a copy of a rendering showing the configuration of the subdivision which will have a similar design to the Fort Grounds neighborhood.
- He explained that part of the design of the property is to eliminate street driveway accesses and create similar lot design dimensions as the Fort Grounds Neighborhood.
- He stated they will try and preserve the grand scale trees on the property.
- He referenced a photo of Park Drive showing the alley and noted the pedestrian access that is a little bit wider to provide some greenspace that will be looking directly into the park which will have a playground and picnic shelter. He stated that their intent is to put new sidewalk in the park.
- He noted that they are going to provide a landscape buffer next to the homes to help buffer the sounds coming from the skate park and other noises.
- He explained on the drawing of the subdivision that some of the building envelopes are set back to make room for the grand scale trees and that they relocated the alley to avoid missing the drip lines for the grand scale trees.
- Mr. Boyd stated that it is their goal to design the subdivision that will improve the character of the neighborhood.

Mr. Boyd concluded his presentation and asked if the commission had any questions.

Commission Comments:

Commissioner Ingalls thanked the applicant for bringing forward a plan that is thoughtful and respectful.

Mr. Boyd appreciates the comment but feels the kudos need to go to the Ignite board that was presented with a variety of options and chose a project that was community driven.

Chairman Messina concurred with the statements.

Commissioner Rumpler inquired about parking and asked if parking would be provided in the alley with garages.

Mr. Boyd stated the design is driven by city code and pointed out a photo showing the building envelopes set back 20 feet, and that the width of the alley is wider than normal, which will provide sufficient parking.

Ken Murphy commented that he doesn't care if there were houses there before and would like to see this property remain as a park.

Commissioner Ingalls said he understands Mr. Murphy's concerns and appreciates the applicant for trying to design a project that meets the needs of the community.

Danilo Gancayco stated that if there were agreements in place to have this property remain as a park, then that agreement should be honored.

Chairman Messina stated they are talking about a subdivision and how that property got into the hands of the applicant is out of their jurisdiction. He said that he appreciated the comments.

Scott Hoskins stated he is Chairman of the Ignite board and explained that their group discussed this project in length and feels that the finished product will be an improvement to the area. He commented that there will be more park area after the project is complete. He reminded the commission that there were a bunch of "ratty" looking houses on this property a few years ago and now they will be replaced by a much better product.

Rebuttal:

Mr. Boyd explained if Ignite CdA decided to develop these lots to their original state, the homes would have been disorganized. He stated when they worked on the original project, Ignite pushed hard to include this property in the Four Corners Master Plan. When Mayor Widmyer came forward with his plan for a shared parking lot with the county, it opened up this opportunity. He stated that the things they are doing to the subdivision, such as plantings etc., don't cost a lot of money and it's not fair to say Ignite CDA is spending a lot of money on this project, because it's not true. He stated that they had many community meetings about this project and that input was included in the design presented tonight.

Public Testimony closed.

Motion by Ingalls, seconded by Ward, to approve Item S-3-17. Motion approved.

ROLL CALL:

Commissioner Ingalls	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Rumpler	Votes	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

4. Applicant: Idaho Waterfront LLC.
Location: W. of Tilford Lane
Request:
- A. A proposed 1.66 acre PUD "Tilford Place PUD"
QUASI-JUDICIAL (PUD-2-17)
 - B. A proposed 13-lot preliminary plat "Tilford Place"
QUASI-JUDICIAL (S-4-17)

Tami Stroud, Planner, presented the staff report and stated that Idaho Waterfront, LLC, is requesting approval of a Planned Unit Development and a 13-lot (6-tract) preliminary plat to be known as "Tilford Place", for two existing parcels totaling +/-1.66 acres.

Ms. Stroud provided the following statements:

- The subject property is located between two commercial uses within the Riverstone Development along West Tilford Lane.
- The proposed preliminary plat, if approved, would allow for 13 single-family residential lots. An application for a Planned Unit Development request has also been filed in conjunction with the preliminary plat.

She explained the deviations the applicant has requested below:

- 5'5' side yard setbacks (from 5'10' per R-8 zoning).
 - 15' rear yard to face of structure (from 25' per R-8 zoning).
 - Reduction in lot sizes from 5,500 sf to typical lots sizes ranging from 3,000 sf to 4,200 sf.
 - Frontage width from 40'-50' of private street frontage deviating from the require 50' of frontage on a public street.
 - Private gated entrance.
 - Private streets within a Planned Unit Development.
 - Reductions to the required road Right-of-Way width from 55' to 20', 39' and 44'.
 - Sidewalk on only one side of the street.
- She noted the required findings that the Commission will need to make.
 - She stated that the Comprehensive Plan states this area is "Stable Established."
 - She presented a photo showing the land use pattern and the existing zoning which is C-17.
 - She presented various site photos and various renderings of the homes to be built on the property.
 - She explained a rendering showing where the open space will be located on the property.
 - Ms. Stroud provided a photo showing the "Grass Grid" that will be within the open space area of Tract "F" which will be easier to access if there is a problem with utilities.
 - She stated there are eight conditions for the commission to consider when making their decision.
 - Ms. Stroud concluded her presentation and asked if the commission had any questions.

Commission Comments:

Commissioner Ingalls inquired if staff could tell him if other small developments, such as Parc Rose, had similar deviations and questioned if they have heard if these other smaller developments had any problems and how they are performing.

Chairman Messina reminded the commission that these streets are private and not maintained by the city, so maybe they don't have that answer.

Ms. Stroud explained that every project is looked at "case-by-case" and commented that with this project, they have proposed to put snow storage at each end of the development. She stated that this project is intended to be gated and it will be the responsibility of the Homeowner's Association to take care of those issues.

Ms. Anderson explained that the city gets a lot of requests from homeowner association members who don't want to continue to pay their HOA fees and to maintain their open space and swales, and stated that it is the desire of the city to discourage private roads.

Commissioner Ward referenced condition number three in the staff report, stating that the city would like to have Tilford Lane dedicated as a public road.

Ms. Anderson explained that condition was written so there could be access to those four lots, and by having Tilford Lane as a public road, it would assure that there would be access to those four lots.

Chairman Messina commented that the commission has always struggled with the definition for open space and appreciates how the applicant calls out what is open space.

Commissioner Ingalls commented that he was curious if staff has heard anything about performance standards from other subdivisions similar to this one, based on not hearing any complaints.

Ms. Anderson explained that, in the past, some complaints have been with side yard setbacks and that housing is too close. She explained that setbacks are important, especially in the winter, when snow is coming off the roof and going into the neighbor's yard instead of yours.

Commissioner Ingalls stated as more large land parcels are being developed, what is left over to develop is the infill areas and he feels that there will be more and more of these requests coming forward.

Ms. Anderson clarified that on Tract "F" there is a sewer main within that tract and how they will use a special product like Grass Grid in their open space area, and are aware if any maintenance is needed with the sewer it will be accessible.

Public testimony open.

John Stone, applicant, provided the following statements:

- He stated that he started this the Riverstone project 19 years ago.
- He explained that this was a large property with many Planned Unit Developments (PUDs), and he likes the way a PUD gave them the flexibility to design the property to what it is today.
- He explained that this 70,000 sq. foot property is the last to be developed because it is a troubled property that had rubble and they've been working to clean it up.
- He stated that they have provided the open space as required, including the existing pond and the park.
- He wanted to provide a live, work and walk environment that now provides 16 restaurants. He stated they donated a portion of the Centennial Trail to the north and gave it to the Prairie Trail and feels they have been good stewards. He explained that they built what was market-driven and did not have any intentions for multi-family, but that is what was market-driven.
- He stated that they have had numerous meetings with staff, who have been pleasant and professional, and explained that as of yesterday, they found out for the first time they were to give Tilford Lane to the city. He explained that this is the last piece of property to be developed that he owns and that the property on Tilford Lane is not his and asked his attorney to give him a statement to read tonight. He asked if Mr. Rick Gunther could read the letter to the commission.

Rick Gunther read the letter submitted by the applicant's attorney, who has a concern with the proposed Finding # B7C, that states "that Tilford Lane will need to be dedicated to the City as a public road as part of this request". He explained that the applicant does not own or have any ownership in the property which owns the parcel that Tilford Lane occupies, and that it is owned by another entity.

Rebuttal:

John Stone provided the following statements:

- He commented that they have invested a lot of money in this property and will do their own snowplowing and security.
- He stated that he feels that Condition number three as stated in the staff report is inappropriate because they don't own the property. He suggested if the City wants Tilford Lane, they should contact Riverstone Master Association for that approval.
- Mr. Stone asked if the Commission had any questions.

Commission Comments

There were no questions for the applicant.

Public Testimony closed.

Discussion:

Ms. Anderson stated that after reviewing the letter from Mr. Stone's attorney with Mr. Adams, staff will have more questions for Mr. Stone, so public testimony may need to be reopened.

Chairman Messina suggested that the commission continue with their discussion to give time for staff to review the document.

Commissioner Ingalls stated that he understands that Mr. Stone does not own the property so it is not his to give, and asked if it would matter if they struck that condition.

Ms. Anderson explained that condition number three was added because when the existing plats were created, they were realigned and that put some restrictions to access to the lots that are subject to the subdivision and PUD request. She stated if they strike condition number three, they would also strike those conditions for those existing lots, which is necessary to remove encumbrances from the applicant's property.

Commissioner Rumpler stated that he likes the project and it makes good sense. He feels that if Mr. Stone doesn't own the property, he understands why he would like to omit condition number three. He also thanked Mr. Stone on behalf of the community for this 20 year development. He commented that this development has had a huge impact on Coeur d'Alene.

Commissioner Ward stated if they can't determine if condition number three can or cannot be replaced, then what is the procedure for the commission to move forward, and he questioned if this is something that may not be determined tonight.

Ms. Anderson suggested that the commission has the option to continue this public hearing to a date certain, so staff can further review this with the applicant.

Commissioner Mandel inquired if they can amend condition number three.

Ms. Anderson stated that could be an option, but they would need to review it with legal.

Commissioner Ward said he feels that amending the condition may not be fair to Mr. Stone, who found out yesterday from his attorney regarding this condition, and it may be appropriate to continue this item.

Chairman Messina concurred and suggested continuing this item to the next Planning Commission Meeting on November 14th so staff can have more time to research to see what is the best direction to go, or another option is that the commission could deny this request based on not having enough information to make a decision. He questioned if staff would like to have time this evening to talk to Mr. Stone.

Mr. Adams stated, as an example, if the commission feels a public road is needed to approve the PUD, it doesn't matter who owns the road. He commented that the commission could state that they need a public road and tell the applicant that needs to happen or we can't approve the PUD. He feels that ownership is not critical, but it would help to resolve the issue of who the property owner is and get it dedicated in a separate action.

Commissioner Mandel explained the reason she questioned if they could amend the condition is because it suggests that the applicant has the deed, and if they amend it to say "the owner," would that be ok to then move forward.

Chairman Messina made a motion to re-open testimony.

Mr. Stone stated:

- The owner of the property is Riverstone West LLC, and two months ago, his attorney, Doug Marfice, turned all of the surplus property over to Riverstone Masters Association.
- He stated that Tilford Lane has been a private road for all of the surrounding properties and noted no problems with access in the past.
- He explained that they are under a tight timeframe and it will be hard to continue this since time is running out because of the weather to put in the paving. He stated that this is unfortunate this came up at the last minute and explained that before condition three is approved he would have to go before the Riverstone Masters Association for their answer regarding Tilford Lane.

Commissioner Ingalls questioned staff why does it matter and stated that he understands the legalities from a practical point, but feels people that would live around this development need to have a way to get in and out of their house and if Tilford Lane is not a public street, he feels there should be an easement in place. He feels the city has the park and the parking lot for the park that's further upstream from this development and thinks they need to continue to have access to the parks parking lot, like the people who live around this development will have access to.

Commissioner Messina inquired if we have the ability to remove Condition three in a motion.

Public testimony closed.

Discussion:

Commissioner Rumpler stated that this is one of three PUDs that have come before them since he has been on the commission, and with this one the applicant has shown what the open space is and he commended the developer for doing that. He sees no reason not to approve this project. He feels the issues with condition number three can be resolved at another time and is in favor of the project.

Commissioner Ingalls feels people could be blocked from getting into their homes.

Mr. Adams commented that if the Parks Department decides not to maintain the road, there is no entity that will maintain it.

Chairman Messina made a motion to re-open testimony.

Public testimony reopened.

Mr. Stone stated that in a copy of the Pond Operation Maintenance Covenants, Restrictions and Additions Agreement with the city, it states the things they are responsible for. He explained that the city is responsible for watering the landscape at the entrance of the park and snow removal.

Commissioner Rumpler inquired if this agreement is for Riverstone or the parks and requested a copy of that agreement be provided to staff for their record.

Mr. Stone clarified that it is the second amended copy but he will provide all copies to the city.

Commissioner Mandel stated she feels that the city needs to have assurance that access will be provided to the residences. She questioned if that satisfies the issue of not having an easement.

Ms. Anderson stated that they need to look at the agreement.

Mr. Stone stated that the street will remain open and that this issue didn't come up when they were doing other projects, and it just came up yesterday.

Ms. Anderson stated that the staff report was out last week and online Thursday with a link.

Chairman Messina said that he feels this is a unique situation.

Ms. Anderson commented it is a combination of things including in the condition those encumbrances that protect their property. She feels there were oversights with plats fixing Tilford Lane that addressed what could be accessed to certain lots. She explained that is the second part of that condition that is very important and why it shouldn't be omitted because they need to have access to their project off of Tilford.

Public testimony closed.

Chairman Messina inquired if they omit the condition, who will maintain Tilford Lane, or would it fall to the city.

Mr. Adams commented that he is not in a position to say who will maintain it because he hasn't read the contract since this came up at the last moment. He commented that the city should look at that contract to be able to answer the question so he suggested that the Planning Commission might continue this hearing, but it is the decision of the commission to decide that.

Chairman Messina said that he feels he understands Mr. Stone's position to not postpone so they can start the project.

Chairman Messina re-opened testimony.

Public testimony reopened.

Mr. Stone stated that he doesn't have the right to give Tilford Lane to the city and he is also stumped and would have liked to know about this before and now they have a problem. The city needs to talk to the Riverstone Masters Association for that approval and feels if the request is presented, they would support the request.

Ms. Anderson stated that staff needs to do more research with their preference being to continue the hearing until those issues are resolved.

Chairman Messina said that he feels that a continuance would be the right solution but would need to have a vote of the commission on what they would want.

Commissioner Mandel questioned if staff could get an answer and resolve this early, what would be the value of waiting till the next Planning Commission meeting in November.

Ms. Anderson explained that when you continue a public hearing, it needs to be continued to a date certain, to meet the requirements for a public hearing.

Chairman Messina stated, for clarification, that they would have to call a special hearing where no public testimony is taken to hear a decision from staff.

Ms. Anderson stated that is correct and since the hearing is quasi-judicial, there couldn't be any discussion with the other commissioners until the meeting.

Commissioner Ingalls said that he feels that after listening to discussion regarding this project, he thinks the commission wants to approve it. He suggested changing the wording of the condition to say that issue has been resolved to the satisfaction of the city.

Mr. Stone stated that he would be willing to give to the city any rights he has to Tilford Lane in order for this project to go forward.

Chairman Messina said that he likes Mr. Ingall's recommendations and feels that he doesn't have a problem with another meeting, but feels if they have a condition they could vote on it tonight. He asked the commission what they want to do and if they are ready for a motion.

Commissioner Rumpler questioned if they kept the hearing open would we still have to notice the hearing.

Ms. Anderson explained that if they continued the hearing to a date certain, they wouldn't have to notice the hearing or find a date between now and the November 14th hearing to meet, but there is a potential problem of a room being available, etc.

Mr. Stone stated that he is willing to give up his rights to Tilford Lane in order to not stop having a decision made on his PUD. He stated that his hands are tied.

Chairman Messina commented that he understands both sides and that this is a unique situation where they received this information late to make a decision.

Ms. Anderson explained that staff is going to be out for a planning conference and Mr. Adams will also be unavailable next week.

Commissioner Ingalls stated that he understands the dilemma that Mr. Stone is in and if they want to approve this project, the only thing holding it back is the issue for access to the project.

Commissioner Rumpler commented that for him the dilemma is if people will have access to the park and concurs with Commissioner Ingalls that access will be provided in perpetuity. He stated that there are commercial buildings and a public park.

Mr. Ward inquired what is the time frame for final plat approval.

Ms. Anderson explained before the final plat is recorded, all the improvements need to be made and it could be a two to three month process before the final plat is recorded. She commented that they have had numerous meetings with the applicant explaining to them the steps for the process.

Chairman Messina commented that he feels sympathetic to Mr. Stone and understands his dilemma and questioned if they approve the request, can the applicant be allowed to put the roads in before the weather gets bad.

Ms. Anderson explained that if this project was approved with this condition they would be able to work with the other parties and that the applicant has already started clearing the site but they are not allowed to put in other infrastructure until the preliminary plat is approved.

Mr. Stone commented that they are currently working with the soil and feels that he would like to move forward so they can put in the sewer and water. He questioned what the motivation of staff is for this condition and stated that it seems bizarre.

Commissioner Rumpler feels this is a complex decision with controversy around this condition. He feels they have heard staff's concerns and understands their argument. He feels that he doesn't know how to solve this and feels that this project is similar to the other PUD's that have been approved. He is undecided on how to proceed.

Commissioner Mandel stated that she is concerned with the increase of the residents that will increase the traffic in/out of this area so the agreement with the city is to maintain the roads. She questioned if the volume of traffic would change or affect other owners of the road. She feels that she doesn't know enough of about the easements to make a decision.

Mr. Ward said he feels that he wants to support this development and understands the complicated nature of this decision. He stated that he likes the idea of tweaking this condition but feels it needs to be done right to provide the flexibility of this development to go through and transfer of the land to become a public road and feels that can wait and not happen with the process of the subdivision.

Commissioner Ingalls commented that he likes the development and agrees condition number three is the problem. He feels confident that people will be able to get to their homes. He commented that he agrees that private streets can be problematic. He feels that it is the burden of the applicant to provide access to the property. He noted that they had situations in the city where there was access to a development through a public street and gave the example of Bellerive. He understands that what is important is that we will have a legal access.

Mr. Adams suggested an edit on condition number three that they could time it in terms of the final plat that states dedication of the road must be accomplished before final plat is approved, which would allow preliminary plat approval of the infrastructure installation and the applicant, the city, and the other owners of the property can work toward getting a dedication.

Commissioner Mandel suggested to amend the condition to state that the owner has the deed and questioned if this would be enough to move this forward.

Mr. Ward concurred and stated they need to work toward a solution to get permission from the owner for ownership so they can be satisfied as a city and feels they have time on their side until the final plat is approved.

**Motion by Ward, seconded by Rumpler, to approve Item PUD-2-17 with the modified condition .
Motion approved.**

ROLL CALL:

Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Rumpler	Votes	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

**Motion by Ward, seconded by Rumpler, to approve Item S-4-17 with the modified condition.
Motion approved.**

ROLL CALL:

Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Rumpler	Votes	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

ADJOURNMENT:

Motion by Ingalls, seconded by Mandel, to adjourn the meeting. Motion approved.

The meeting was adjourned at 8:50 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

DRAFT



MEMORANDUM

Date: November 28, 2017
To: Planning Commission
From: Hilary Anderson, Community Planning Director
Sean Holm, Senior Planner
Mike Behary, Planner
Subject: Planning Commission Workshop on November 28, 2017

Workshop Purpose

- Continue to Discuss Zoning Code Amendments and the Comprehensive Plan Update
- Receive feedback and direction from the Planning Commission
- Discuss the Next Steps

Workshop Agenda & Topics

- **Zoning Code Amendments – Mike Behary, Planner**
 - Possible Hardship Variance for non-conforming houses destroyed by fire
 - Setbacks for accessory buildings
 - Shipping Containers
 - Life Safety – Egress Windows
 - Caretakers Apartments
 - Open Space
 - ADUs (focused discussion on the size to be allowed in basements and parking requirements)
 - Parking in front yards in residential neighborhoods
- **Comprehensive Plan Update – Sean Holm, Senior Planner**
 1. Introduction
 - a. Recap of discussion to date
 - b. Where are the shortfalls?
 2. What staff has learned
 - a. Madison, WI
 - b. Studio Cascade
 3. “Plan to Plan” & other major milestones for a Comprehensive Plan
 4. Feedback/wish list from Planning Commission to build into next workshop

Attachments:

Memo from Mike Behary – Zoning Code Amendment and Discussion Items (follow up items from 7/11/17 and 8/22/17 workshops)

“Ten Steps in Preparing a Comprehensive Plan” article by Michael Chandler from the Planning Commissioners Journal, Number 39, Summer 2000

**PLANNING COMMISSION
WORKSHOP**

DATE: November 28, 2017

FROM: Mike Behary, Planner

SUBJECT: Zoning Code Amendments

WORKSHOP PURPOSE:

- Continue discussing proposed revisions to the City's Zoning Ordinance.
- To wrap up and conclude the Zoning Code Amendment workshops.
- To make recommendation that staff begin preparing the proposed Zoning Code language.
- Discuss the next steps.

HISTORY:

The City's Zoning Ordinance has been in need of an update for many years now. The Planning Department along with the Building Department has discussed recent developments within the City and has become aware of certain Zoning Codes that need adjustment. On June 6, 2017 the City Council adopted a work plan for the Planning Department that included general Zoning Code Amendments. Following the direction from City Council, workshops were conducted with the Planning Commission to work on the Zoning Code amendments. The Planning staff and the Planning Commission held workshops on the Zoning Code Amendments on July 11, 2017 and on August 22, 2017.

BACKGROUND:

The City has changed over time and is now at a time and place where existing zoning regulations are no longer relevant or that they have been mistreated and ill-used. The current Zoning Ordinance was adopted in 1982 and many changes in the city have occurred since then. There have been many small amendments to the zoning code since 1982 as changes were needed.

The proposed code additions address the many issues that the city has had in regards to recent trends. One of those trends in recent times has been in regards to shipping containers being used for storage of person items and equipment on residential lots. The setback distance of principle and accessory structures on residential lots has also been a concern that staff, citizens, and property owners have become aware of.

The recent workshops discussed accessory dwelling units (ADU's) in the basement or attached to the principle dwelling unit. Below is a list of some other items that were discussed at the recent workshops. The purpose of these revisions to the zoning code will continue to ensure health, safety, and welfare of the public and property owners in the City of Coeur d'Alene. The proposed changes to the Zoning Code will provide the much needed updates to the Zoning Ordinance that will move the city forward in the coming years.

PROPOSED CHANGES TO THE ZONING CODE

Discussed and concurred on July 11, 2017 Workshop:

- ✓ Rooftop equipment and projections above maximum height – Residential
- ✓ Berming – Residential
- ✓ Extensions into required setbacks – Principle and Accessory structure
- ✓ Extensions into required setbacks – Egress window wells

Discussed and concurred on August 22, 2017 Workshop:

- ✓ Residential setbacks – Principle structure
- ✓ Residential setbacks – Accessory structure
- ✓ Residential Setbacks – Where is setback measured to?
- ✓ Gated Communities
- ✓ RV Regulations
- ✓ Accessory structure – 120 SF or greater shall require a permit
- ✓ ADU – in basements
- ✓ Reduce Rear Yard Adjacent to Open Areas
- ✓ House Keeping Items

Items to discuss on today's Agenda - November 28, 2017 Workshop:

- 1. Possible Hardship variance for non-conforming houses destroyed by fire**
- 2. Setbacks for accessory buildings**
- 3. Shipping Containers**
- 4. Life Safety – Egress Windows**
- 5. Caretakers Apartments**
- 6. Open Space**
- 7. ADU – the size to be allowed in basement and parking requirements:**
- 8. Parking in front yards in residential neighborhoods**

NEXT STEPS:

- 1) To make a recommendation to have staff begin preparing the proposed language and bring forward the proposed Zoning Ordinance amendments to the Planning Commission as a formal text amendment item so that it can be adopted and incorporated in the City's Zoning Ordinance.
- 2) If there are items that need more time, those can be held off for further discussion or a subsequent text amendment.

Planning Commission Workshop

Zoning Code Amendment Discussion Items

November 28, 2017

1) Possible Hardship Variance for Non-Conforming Residential Structures Destroyed by Natural Hazard

Should non-conforming residential principle structures that are damaged over 50% be allowed to be rebuilt with the same footprint on their lot or should they be required to meet the current zoning code requirements for setbacks?

This topic was discussed on July 11th and the commission was supportive. They asked staff to refine for further review and discussion. They discussed the need for well-defined criteria, such as height and mass. Staff looked at the existing Nonconforming section of the code and the percentage value for the cost of repairs and alterations. It was also discussed that it should be city wide.

Staff is still working through this possible hardship variance. One property owner contacted staff stating that there is a need to protect recent investments from future changes to the code that could make existing homes nonconforming.

As such, staff would like the Commission to consider some additional items as listed below:

- Should there be a provision protecting investments made after a certain date and if they have valid building permits from the City? For example, should Single Family Dwellings built after January 1, 2000 with a valid building permit be allowed to rebuild if destroyed by more than 50%? or
- Should there be consideration made for older homes in established neighborhoods? Date range? or
- Should there be consideration for nonconforming lots (e.g., less than 50 feet in width) to allow them to have reduced setbacks, such as a 3-foot setback on one side and 5-foot setback on the other side?
- If a hardship variance is granted to allow reduced setbacks, should the new structure's height, bulk and structure be required to match the original structure and not exceed the above-ground square footage?
- Should it be processed administratively or with a public hearing?
- NOTE: A rebuild would not be allowed to encroach into the right-of-way.

17.06.930: NONCONFORMING USE; DAMAGE OR DESTRUCTION OF FACILITIES:

- A. Nonconforming As To Activity: Whenever a nonconforming facility is damaged or destroyed to the extent that reconstruction, repairing, or rebuilding will exceed fifty percent (50%) of the replacement costs of the facility as it was immediately prior to the damage, as determined by a qualified appraiser, the facility may only be restored to accommodate a conforming activity. If restoration for a nonconforming activity is permitted by special permit, the restoration must be substantially completed within one year after damage or destruction. If it is not, the nonconforming activity is considered to be abandoned, and cannot be restored except for use as a permitted activity.
- B. Nonconforming As To Facility: Whenever a nonconforming facility is damaged or destroyed to the extent that reconstruction, repairing, or rebuilding will exceed fifty percent (50%) of the replacement costs of the facility as it was immediately prior to the damage, as determined by a qualified appraiser, the facility may not be restored as nonconforming.

Staff Recommendation: Have staff work through possible language to bring back to the Planning Commission for consideration.

2) Accessory building setbacks – Residential Districts

Accessory buildings are currently allowed to be zero feet from property line. The Planning Commission concurred that there should be a setback distance for accessory residential buildings to ensure space for stormwater and snow storage. Staff conducted additional research after the last workshop and found setbacks for various communities (see list below).

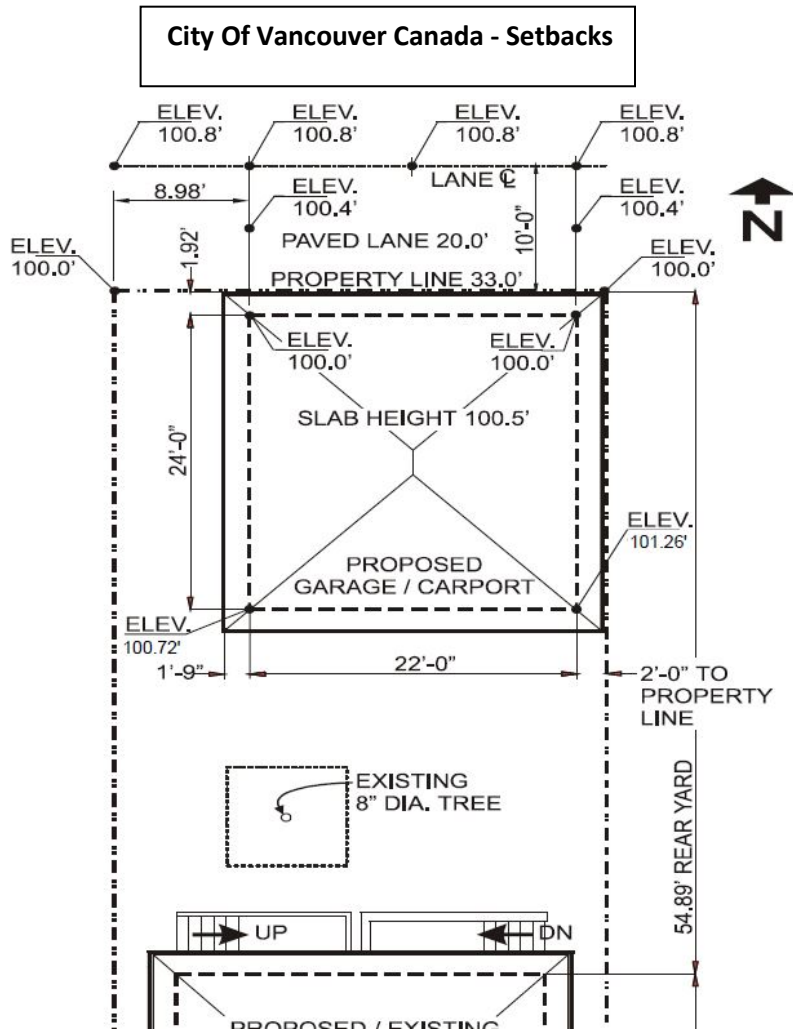
Vancouver, BC: 2 foot setback

Spokane, WA: 3 foot setback

Bend, OR: 5 foot setback

Sandpoint, ID: 5 foot setback

Staff had previously recommended a 3-foot setback for accessory buildings. But after looking at other communities and considering existing accessory buildings in the community, a 2-foot setback is now recommended.



Staff Recommendation: 2 foot setback from side and rear property lines.

3) Shipping Containers versus Container Structures

On August 22, 2017, the Commission supported restricting the use of shipping containers in several zoning districts, including the DC, all overlay zoning districts, NC, CC and all residential districts. The commission was supportive of allowing them to be used in C-17, M and LM zoning districts, but depending on the type of goods stored in the containers felt that the Code should address the types of improvements that would be required to be added to the container make them safe such as a panic bar for an emergency interior exit, a louver to allow air flow, and potentially a foundation – all requiring a building permit.

There was also discussion about the difference between container structures, in which a shipping container is taken apart and used to construct a building. The Commission wanted to allow creativity in those circumstances as long as all applicable codes would be met.

Staff researched other communities and found language in the Deer Park, WA code that addresses cargo containers. Staff proposes similar language that also clarifies that shipping containers are not the same as storage sheds or accessory structures.

Deer Park Zoning Code related to Cargo Containers:

A. An “accessory storage building” is:

- 1. A building originally constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on the property.*
- 2. For purposes of this chapter, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage buildings.*

B. “Cargo containers” include standardized reusable vessels that were:

- 1. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or*
- 2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers” and “portable site storage containers” having a similar appearance to and similar characteristics of cargo containers.*

It would also be beneficial for the Code to specify, that shipping containers are functionally and structurally different from accessory buildings. Shipping containers were originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities versus a shed that was originally constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on the property.



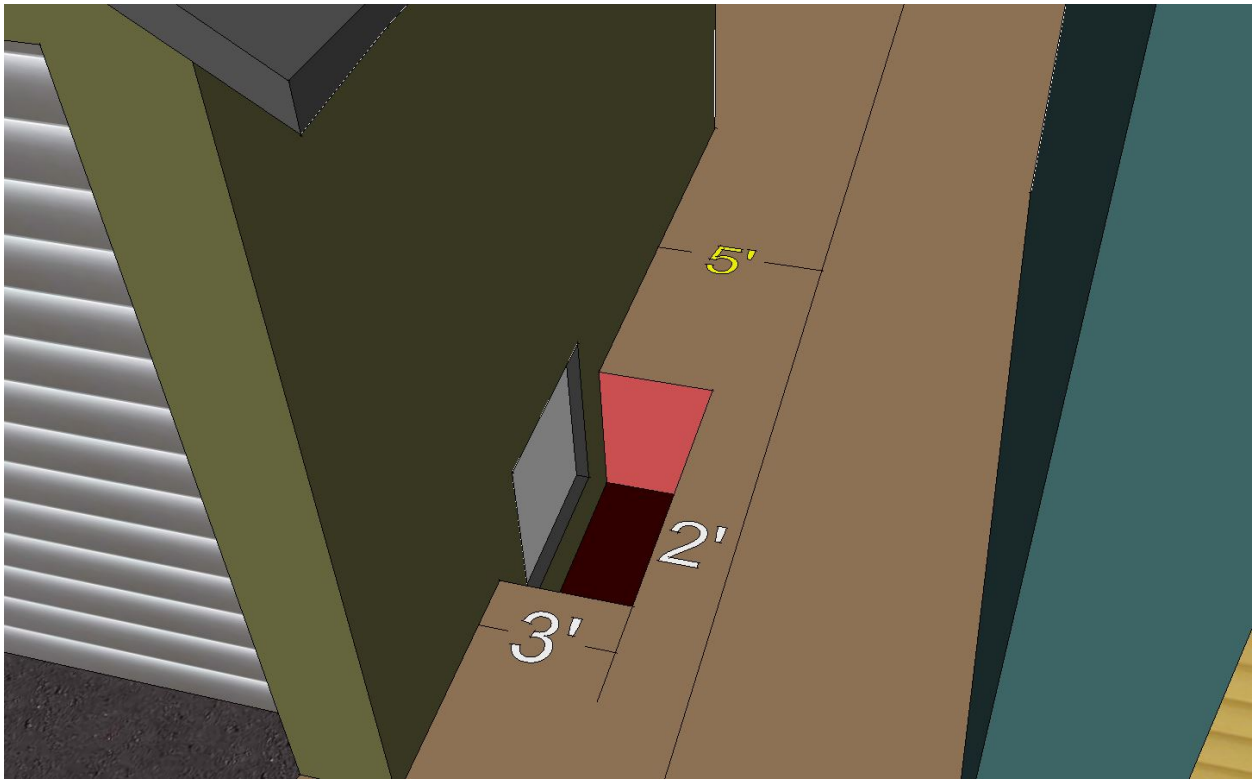
Staff Recommendation: Shipping containers should only be allowed in C-17, M and LM zoning districts if used for storage and should be required to have a foundation, ventilation, and panic door (as noted above), and meet screening and landscape requirements (if applicable). Shipping containers would not be permitted in DC, any overlay zoning district, NC, CC or residential districts. The Fire Code would restrict the storage of certain materials in shipping containers.

The exception would be if a shipping container is being used for temporary storage, similar to a POD, and is being used for only 90 consecutive days.

If a shipping container is modified into a container structure, it should be subject to size, height, setback, and permit requirements, and all applicable design guidelines and reviewed as if it was a structure to ensure that it meets the Fire, Building and Zoning Codes. For example, someone could build a container home, if the building plans were approved by the City and it can meet the minimum requirements for single family dwelling unit, meet all applicable setbacks and design guidelines, and go through the permitting process and receive a certificate of occupancy.

4) Life Safety – Egress Window

- The distance from the side property line to the egress window well.
- Egress window wells are designed to be 36 inches (3 feet) out from the house to allow for ample egress.
- This leaves a two foot distance from side property line.
- Current code allows for only a 2 ½ foot distance from the side property line to the egress window well.



Staff Recommendation: Allow an egress window well to have a 2-foot setback from the side property line.

5) Caretakers Apartment/Unit

Caretakers apartments were discussed at the August 22nd workshop. The Commission supported the use of caretakers apartments and agreed that they could be called units instead of apartments. The discussion of caretaker was that it was an employer accommodation. There was also discussion on the maximum size of a caretakers unit. Staff would like to have a maximum square footage so that it is an accessory use. The Commission asked staff to look at caretakers units around the city. Staff found an existing unit that was 1,292 square feet.

Should caretakers units be allowed wholly enclosed within the commercial structure or can they be detached as well? Should there be a limit on the maximum size?

Staff Recommendation: Allow caretakers units to be a maximum of 1,400 square feet. They can either be attached or detached. The Code should require an affidavit similar to ADU tying the caretaker unit to the use, establishing that it is for an employee or owner of the business that must be an active commercial use, and that if the unit is detached from the principal use, that it cannot be subdivided.

6) Open Space

The Commission asked about Code references to public versus private open space, and natural versus native. There was a question about whether open space needed more than one definition. Staff has included photos of different types of open space and has provided definitions of the various types of open space incorporating language from Kootenai County Comprehensive Plan, the US Forest Service, and McLean County Zoning Code for Natural Area Open Space, Private Open Space, and Public Open Space for consideration. There were also definitions from other Idaho communities included in the Open Space Interpretation (I-1-16).

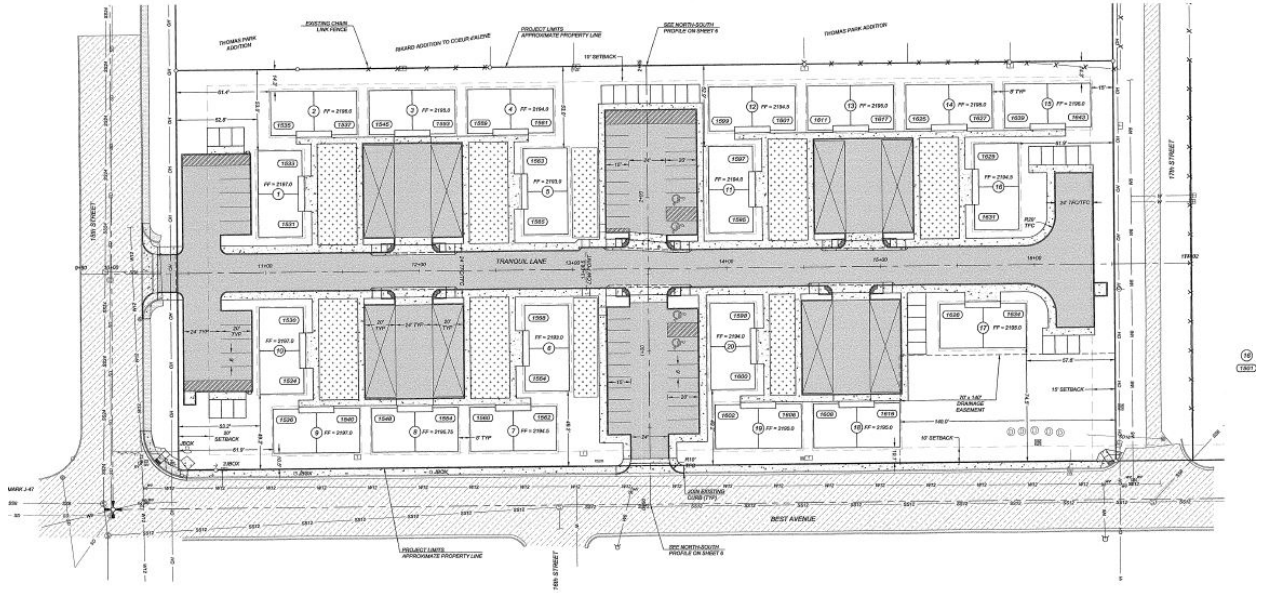
OPEN SPACE, NATURAL

As land that is valued for natural processes and wildlife, agricultural and forest production, aesthetic beauty, active and passive recreation, and other public benefits. Such lands include working and natural forests, rangelands and grasslands, farms, ranches, parks, stream and river corridors, and other natural lands within rural, suburban, and urban areas. Natural Area open space may be protected or unprotected, public or private



OPEN SPACE, PRIVATE

Open space within a development that is contained within individually owned lots and which is designed and intended primarily for the private uses of residents or occupants of the lot on which the private open space exists. Private open space shall also include land within a subdivision or development which is owned and maintained by a homeowners' association. Private open space does not include areas utilized for streets, alleys, driveways, private roads, or off-street parking or loading areas. Private open space may include recreational areas such as swimming pools, tennis courts, shuffleboard courts, etc.



HOUSING REQUIREMENTS

NOTE:



OPEN SPACE, PUBLIC

Any publicly owned open area, including but not limited to the following: parks, playgrounds, forest preserves, waterways, parkways and streets. Public open space does not include areas utilized for streets, alleys, driveways, private roads, or off-street parking or loading areas. Public open space may include recreational areas such as swimming pools, tennis courts, shuffleboard courts, etc.



These definitions do not currently include the minimum requirements for open space from the Commission's interpretation (I-1-16 Open Space), which include:

- ≥ 15 FT wide, landscaped, improved, irrigated, maintained, accessible, usable, and include amenities
- Passive and Active Parks (including dog parks)
- Community Gardens
- Natural ok if enhanced and in addition to 10% improved
- Local trails

Staff Recommendation: *Staff recommends that a subcommittee work together on proposed language, in coordination with Parks & Recreation Department and applicable committees/commissions, and work through this as part of the Comprehensive Plan Update, and incorporate into the Zoning Code subsequently. It would be beneficial for the Zoning Code and Comprehensive Plan to include definitions for the different types of open space that exist in the community. The items from the Commission's Open Space interpretation should be included into the definitions where appropriate. Other items to consider are: 1) if there should be a minimum requirement for some public open space for a PUD project? And, 2) should open space areas be a minimum size?*

7) Accessory Dwelling Units (ADU)

At the August 22nd workshop, the Commission was asked if basements should be restricted in basements. They said that ADUs should not be restricted in basements, but that we should have a better definition so that an ADU in the basement isn't the same as a duplex.

- What size should be allowed if an ADU is in the basement to ensure that it is accessory to principal? 700 square foot maximum, or some other size limit?
- Bend, OR: 600-800 square foot maximum depending on lot size
- Vancouver, BC: 968 square foot maximum or 40% of total floor area
- Other considerations:
 - Ensure that the door to the ADU is not visible from the street.
 - Should daylight basements be handled differently?

H. Size and Scale

The square footage of the accessory dwelling unit shall be a minimum of 300 square feet and a maximum of 700 square feet, excluding any garage area; provided, the square footage of the accessory dwelling unit shall not exceed 40 percent of the total square footage of the primary dwelling unit, excluding the garage area, as it exists or as it may be modified



Staff Recommendation: Allow ADUs in basements if maximum square footage is 700 square feet and require one off-street parking space for the ADU.

Or should ADUs in basements be allowed to exceed 700 square feet more in line with Bend, OR or Vancouver, BC?

8) Parking in front yards in residential neighborhoods

Should boats, vehicle, and RV's, be allowed to park on the grass in front yards on residential lots?
See sample photos on the next page.

Staff Recommendation: Restrict parking in front yards; only allow in the side and rear yards.



Ten Steps in Preparing a Comprehensive Plan

by Michael Chandler

The primary job responsibility shared by planning commissions across the nation involves the design and development of the comprehensive plan. Whether the plan is labeled comprehensive, master, or general, we are describing the same thing: putting down on paper the hopes, dreams, and aspirations a community holds for itself.

Capturing in words and pictures what a community hopes to become is a daunting challenge. The task is made simpler, however, when the planning commission chooses to systematically organize the process.

While there is no universally accepted "one best way" to develop a plan, this column will describe one "typical" sequence of steps that can be followed in developing a comprehensive plan.

PLANNING'S BUILDING BLOCKS

Preparing a comprehensive plan involves a number of technical, political, legal, and managerial considerations that will vary from one community to the next. There are, however, three phases common to the planning process. The first involves planning the process; the second centers on plan preparation; and,

the third focuses on plan implementation. Bear in mind, however, that effective comprehensive planning is actually more like a continuous loop, since feedback from monitoring implementation of the plan's recommendations ideally should be used to initiate needed changes to the plan itself.

Step One: Plan to Plan.

No, this is not a typographical error! The first step in the comprehensive planning process must be a plan for planning. Key factors associated with this step include the allocation of time, human resources, money, and energy to the effort. This step is too often overlooked or short changed. Some planning commissions seem to assume the preceding factors will manage themselves or can be dealt with as problems arise. This logic is faulty and potentially fatal to the planning process.

Step Two: Structure and Schedule the Process.

The answers uncovered during Step One will enable the commission to structure and schedule the actual planning process. It is not uncommon for a planning commission or planning staff to prepare a flow chart featuring discrete planning activities, the party(s) responsible for each activity, and the due date.

Other actions associated with the second step include:

- Determining what role the public will play in the plan development process.
- Identifying "key stakeholders" who need to be involved.
- Deciding if the plan will be developed as a "top-down staff/consultant effort," a "bottom-up/citizen-driven effort," or some combination.
- Deciding whether the plan will be organized or formatted by chapters, sections, or themes.
- Deciding what role the governing body will play. *Keeping the Governing Body Informed*, p. 10

Step Three: Gather and Analyze Data.

To be relevant, a comprehensive plan must address not only issues and concerns of the present, but also what will likely face the community in the future. To accomplish this, the commission must gather and analyze a wide array of data.

Common to most planning efforts is mapping the community's natural features, such as soil types, topographic and geologic formations, and surface and groundwater resources. Of equal importance is mapping existing land uses and development patterns.

A solid plan needs quantitative data as well. Data on demographic and socio-economic characteristics such as population and age distribution, levels of educational attainment, and employment patterns is typically collected. Likewise, data related to transportation usage, housing and economic growth trends, school enrollment, and local building and development activity is often examined. And these are just a few examples. Some observers have suggested that everything associated with humankind's interaction with land should be considered and studied!

Investing the time and resources to

Begin with questions

Solid comprehensive planning begins with the end in mind. Before initiating the planning process, answers need to be given to several questions:

- How long will the planning process last in weeks or months?
- What future time horizon will the plan address; i.e. ten years, twenty years, fifty years?
- What subject matter will be included in the plan? Does it cover elements required to be included under the state planning enabling law?

- How much money will be earmarked for the planning process? Will the monies be linked to a particular time frame such as a fiscal year? Will contingency funds be available?
- What mix of human resources will be available to work on the planning process? Will local staff planners be given the day-to-day responsibility for developing the plan?
- Will some or all of the plan be developed by outside consultants?
- What time commitment are planning commissioners willing to make?

continued on page 10



Keeping the Governing Body Informed

All of the planning commission's hard work will go for naught if the governing body fails to enact the commission's recommended plan. In order to minimize this possibility, the planning commission should be dealing with the governing body well in advance of when it formally transmits a recommended plan to that body for adoption. The following strategies will help achieve this objective:

1. Commitment to Communication. Plans are rejected by governing bodies for many reasons. Unfortunately, the lack of communication between the planning commission and the governing body, especially while the plan is being developed, is a primary reason plans are ignored or set aside by local legislatures. The planning commission can avoid this by reaching out to the governing body and opening lines of communication.

Early on, the commission needs to provide members of the governing body with an opportunity to share their perspective and vision relative to the plan development process. The commission also needs to share with the governing body how the plan will be developed, what its contents will include, and why it will be of value to the community. Expending time educating the governing body about the planning process will yield dividends during plan adoption.

2. Develop a Timeline. The planning commission should develop a timeline that will guide the plan development process. The timeline, with targeted milestones or completion dates, should be shared with the governing body. This action will provide elected officials with a clear picture of how the comprehensive plan will actually be assembled and by what time. No one should be in a position to complain later on that the proposed plan has taken them by "surprise."

3. Involve & Inform the Governing Body. The planning commission should seek to involve the governing body at various stages of the plan development process. For example, the elected body might be asked to participate in the development of the plan's goals and objectives. If the commission intends to involve the general public in

continued on page 11 sidebar

Ten Steps...

continued from page 9


gather and analyze data represents the heart of the planning process. A significant challenge, however, involves deciding how to manage the data gathering process. Experience shows that having too much data can be as much of a problem as not having enough. Clearly defining in advance the scope of the planning process should help minimize the potential for information overload.

Step Four: Identify Problems, Issues, and Concerns (PIC's).

The planning commission, in partnership with the local planning staff, will need to sift through the data accumulated with the goal of identifying the significant problems (and opportunities), issues, and concerns facing the community. This step is crucial because the resulting PIC's will function as the foundation for the comprehensive plan.

Determining what PIC's to include in the comprehensive plan will require decision making on the part of the planning commission. It is during this step that many commissions engage the public through community meetings, surveys, focus groups, or advisory committees. Securing the public's perspective regarding the range of problems, opportunities, and issues facing the community is critical not just to developing a sound plan, but to building a constituency that can help ensure the plan's ultimate adoption and implementation.

Step Five: Develop a "Vision" for the Plan.

Once community problems and opportunities have been identified, many planning commissions prepare a "vision statement," capturing in words what the community intends or wishes to become at some point in the future.  *Burlington's Vision.* The vision statement will give direction to the development of plan goals and objectives, the next step in the process. Preparation of a vision statement also offers another opportunity for involving the public. In some communities "visioning" or "futuring" forums have produced exciting results.

Step Six: Develop Plan Goals and Objectives.

Once the plan's vision statement is completed, the next step is to establish specific plan goals and objectives. If the locality is fairly homogeneous and there is general agreement and support for the vision statement, the selection of goals and objectives can be accomplished within a reasonable time frame. On the other hand, if the vision statement took time and effort to reach consensus on, it is likely that developing goals and objectives will require even greater diligence.

Step Seven: Generate and Evaluate Plan Options.

Finally, it's time to start drafting the plan! One common approach involves the development of a draft plan featuring a series of chapters or elements focusing on selected topics. For example, the draft plan might include chapters on the community's natural environment, transportation system, community facilities, as well as residential, commercial, and industrial uses. An alternative approach is to organize the plan around broad themes such as balanced growth, the preservation of rural character, enhanced economic vitality, and so on.

Each chapter or element featured in the plan should provide the reader with an explanation of its purpose, as well as an overview of the specific planning assumptions and goals and objectives contained in the element.

The various plan elements or chapters, once drafted, should next be used to formulate a series of possible land use futures for the locality. Each possible future would be a function of planning assumptions tied to the plan's vision statement, specific community goals and objectives, as well as different growth scenarios. The generation and evaluation of selected plan options presents the planning commission with one more opportunity to involve the public.

Step Eight: Select and Develop a Preferred Plan.

Once the various plan options have been reviewed and studied, the planning commission will need to select a


preferred option or approach. The final draft plan can then be prepared and formally received and considered for adoption by the planning commission.

Step Nine: Adopt the Plan, Set an Implementation Schedule.

Depending on your state code requirements one or more public hearings will likely be required before the draft plan can be adopted. Once adopted by the commission, the plan is forwarded to the governing body for consideration and final adoption.

The plan development process should be considered incomplete if a plan implementation strategy and schedule is not included in the document. This is critical, since a plan will make a difference only if it is implemented.

Step Ten: Monitor for Results and Impact.

Once a plan is adopted, the real work begins. Implementation requires commitment. It also implies accountability. Increasingly, plans are being written with the goal of fostering change. In order to do so, plans must be written in a manner that allows a locality to measure the impact the plan is having in the life of a community.  *Priorities for Plan Implementation.*

Plans also need to be regularly updated. In some states, state law prescribes this review. In Virginia, for example, a locality must review its comprehensive plan at least every five years. However, even without such a requirement, it makes sense periodically to review your plan. ♦

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the planning process through community meetings or public forums, members of the governing body should be invited to such events. As milestones are reached, written and oral status reports should be given to the governing body. If appropriate, the planning commission may decide to seek formal feedback from the governing body. Such efforts will help build the lines of communication between the commission and the governing body.

4. *Schedule Joint Work Sessions.* During the plan development process, the planning commission and the governing body might consider meeting in formal work sessions. Through discussion of the various elements and phases of the plan development process, the planning commission can both inform and learn from the governing body.

The key word to bear in mind when considering any plan adoption strategy is communication. Designing a strategy that places a premium on communicating with the governing body will substantially enhance the likelihood that the plan will be adopted.

The preceding is excerpted from Michael Chandler's "Developing the Comprehensive Plan: Part III," PCJ #12 (Fall 1993).



Burlington's Vision

An Editor's Note

The Burlington, Vermont comprehensive plan contains a series of vision statements which provide an overarching direction to the plan's more detailed policies and action recommendations. Our plan is organized in a fairly traditional manner, with chapters on land use; the natural environment; the built environment; transportation systems; economic development; community facilities; and so on. Each chapter starts with a vision statement. Here, for example, is the vision statement for the transportation chapter:

Burlington maintains a diverse transportation system that is safe, affordable, efficient and accessible for residents and visitors alike. Land use and transportation policy decisions are considered in relation to one another, and the various modes are linked together as part of a system. The city is focused towards improving linkages between adjacent communities and neighborhoods, making the best use of existing infrastructure, and expanding alternatives to the single-occupant vehicle. —WMS

Priorities for Plan Implementation

by Bernie Jones

Your plan has several dozen, or maybe several hundred, specific recommendations. So where do you start on the morning after it's been adopted? Here are several alternative strategies:

- *Early quick victories:* Start with some actions that are non-controversial, and thus most likely to be quickly adopted, thereby boosting morale, establishing momentum, and building a track record.

- *Importance:* Start with the plan's most important recommendation, regardless of its ease or difficulty.

- *Linchpin:* Start by addressing recommendations which pave the way for yet other recommendations to get implemented.

- *High profile:* Take some actions that are very visible and draw attention to the plan.

- *Maximize implementers:* Work to maximize the number of different parties each actively addressing at least one recommendation.

- *Multiple fronts:* Simultaneously address at least one recommendation from each of the plan's major sections.

It also makes sense to prepare an annual action agenda of recommendations you hope to see implemented that year. The idea here is to bite off a manageable chunk of the plan, involving the necessary implementers in that decision. That makes it their plan as well as yours.

Similarly, prepare an annual status report of what's been done. Keep on top of what's being implemented and let all the relevant audiences know each year what's been done, what has not – and why not. This helps to keep everyone's feet to the fire.

Excerpted from "A Primer on the Politics of Plan Implementation," PCJ #12 (Fall 1993). Bernie Jones has served as a member of the Denver, Colorado, Planning Board, and is the author of Neighborhood Planning: A Guide for Citizens and Planners (APA 1990).