

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

**APRIL 11, 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.

**5:30 P.M. CALL TO ORDER:**

**ROLL CALL:** Jordan, Fleming, Ingalls, Luttrupp, Messina, Rumpler, Ward

**APPROVAL OF MINUTES:**

March 14, 2017

**PUBLIC COMMENTS:**

**STAFF COMMENTS:**

**ADMINISTRATIVE:**

1. Applicant: City of Coeur d'Alene  
Request: Interpretation of SP-3-04, Determine whether development Of multiple buildings on individual lots meets the intent of prior approval.  
ADMINISTRATIVE, (I-1-17)

**PUBLIC HEARINGS:**

1. Applicant: Kootenai County  
Location: 5500 N. Government Way  
Request: A proposed Criminal Transition special use permit in the C-17 (Commercial at 17 units/acre) zoning district  
QUASI-JUDICIAL, (SP-3-17)

**DISCUSSION:**

1. "Focus on ADU's and other revisions resulting from joint workshop discussion" – Sean Holm and Mike Behary
2. Planning Department Work Plan – Hilary Anderson

**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  
MARCH 14, 2017  
LOWER LEVEL – COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

Brad Jordan, Chairman  
Lynn Fleming  
Michael Ward  
Peter Luttropp  
Tom Messina, Vice Chair  
Lewis Rumpler  
Jon Ingalls

**STAFF MEMBERS PRESENT:**

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

**COMMISSIONERS ABSENT:**

None.

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

- Motion by Luttropp, seconded by Ward, to approve the minutes of the Planning Commission meeting on January 10, 2017. Motion approved.
- Motion by Ingalls, seconded by, Luttropp, to approve the minutes of the Planning Commission on January 24, 2017. Motion approved.
- Motion by Fleming, seconded by Messina, to approve the minutes of the Planning Commission meeting on February 14, 2017. Motion approved.

**COMMISSION COMMENTS:**

None.

**STAFF COMMENTS:**

- Hilary Anderson, Community Planning Director, announced that The City of Coeur d'Alene hosted the Idaho APA mini conference last Friday. She commented there was a good turnout.
- A workshop has been scheduled for Tuesday, March 28<sup>th</sup> at 5:30 p.m. regarding a discussion on the proposed Fort Grounds Neighborhood Compatibility Ordinance. Public testimony will be permitted.
- A joint workshop has been scheduled with City Council and Planning Commission regarding the Vacation Rental Ordinance. The meeting is scheduled on Friday, March 31<sup>st</sup> and will start at 12:00 p.m.
- There are two public hearings scheduled on the April 11<sup>th</sup> agenda. They are both special use permits; the first is for a cell tower and the second for the Kootenai County jail remodel.

## **PUBLIC COMMENTS:**

None.

## **PRESENTATION:**

Tony Berns, ignite cda Executive Director, provided a PowerPoint presentation covering the following:

- History - ignite cda was formed by the Mayor and City Officials in 1997. Originally known as the Coeur d'Alene Urban Renewal Agency, the agency decided to assign a DBA, Lake City Development Corporation (LCDC) in 2001. The DBA name was changed to ignite cda in 2015.
- Districts:
  - In 2003, ignite cda proposed – **The River District**, The district encompassed 363 acres between Interstate 90 and the Spokane River, extending from Riverstone West development west to the city of Huetter. In 2016, 56 acres were de-annexed resulting in \$1,003,000 in annual revenue to the benefit of the city taxpayers.
  - **The Lake District**, ignite cda's original redevelopment district was formed by the city council in 1997. It originally encompassed 729 acres, including portions of Midtown, Downtown and Northwest Boulevard. In 2016, 58 acres were de-annexed resulting in \$337,000 in annual revenue to the benefit of city taxpayers. Current size of the Lake District is 671 acres and will expire in 2021.
- Mr. Berns introduced the members of ignite cda.
- Projects
  - Four Corner Master Plan – Cost \$1.6 million in partnership with the City of Coeur d'Alene. The Mullan Road project consists of realigning and narrowing the old Mullan roadway to minimize traffic flow. Other project components include: a new surface public parking lot adjacent to Northwest Boulevard, a new "Memorial Plaza" located next to the Memorial field grandstand, and a future carousel site. Project completion is planned for August, 2016.
  - Collaborative Education Facility – Cost is \$2.5 million in partnership funding to assist North Idaho College, University of Idaho and Lewis Clark State College in building the Collaborative Education Facility. Plans call for building construction to be completed in early 2018.
  - Seltice Way Reconstruction – ignite cda is providing \$3.5 million in partnership with the city in reconstructing the portion of Seltice Way from Riverstone development, west to the City of Huetter. Completion of project by late 2017 or early 2018.
  - Downtown Parking – ignite cda is pursuing partnership opportunities to develop a public parking facility on the corner of 4<sup>th</sup> and Lakeside.
- Mr. Berns concluded his presentation and asked if the commission had any questions.

## **Commission Comments:**

Commissioner Ingalls stated that he remembers "hanging out" on East Sherman as a kid, and has noticed the area slowly deteriorating over the years. He questioned if ignite cda would have any interest in adding a new district that includes East Sherman.

Mr. Berns explained that the city council would need to make a determination if they wanted to include East Sherman as a new district, and would need to define the district boundaries.

Commissioner Luttrupp inquired where the money goes when a district ends.

Mr. Berns stated that the money reverts back to the city.

**ADMINISTRATIVE ITEM:**

1. Applicant: Riverwalk Townhomes, LLC  
Request: A request for a one-year extension for Bellerive 6<sup>th</sup> Addition, (S-2-16)

Tami Stroud, Planner, presented the staff report and explained that Riverwalk Townhomes, LLC has requested a one-year extension of S-2-16.

- The required subdivision improvements pertaining to the landscaping, irrigation and walking path within the “Open Space” tract in “Bellerive 6<sup>th</sup> Addition” are complete.
- She stated if the extension is approved the original conditions still pertain.
- Ms. Stroud concluded her presentation and asked if the commission had any questions.

Commissioner Ingalls stated that the applicant had put a lot of effort into this project and feels that the extension should be granted.

**Motion by Ingalls, seconded by Luttropp, to approve Item S-2-16. Motion approved.**

**PUBLIC HEARINGS**

1. Applicant: Aspen Homes, LLC  
Location: N. of Thomas Lane  
Request: A proposed 28-lot preliminary plat “Alpine Point”  
QUASI-JUDICIAL (S-2-17)

Sean Holm, Planner, presented the staff report and explained that the applicant is requesting approval of a 28-lot preliminary plat to be known as “Alpine Point”. The request has been filed in conjunction with an annexation.

- He showed a map where the property is located.
- The applicant has requested three deviations.
- He provided evidence supporting the required findings.
- Plat contains all the requirements for a “straight” R-3 development.
- The pipeline location is to the east of the property line, out of the proposed development.
- He showed a rendering of a section of the street and commented that this project may generate up to 267 trips per day, with up to 29 occurring during the am/pm peak hour periods.
- Meets the standards for all other departments.
- Four conditions are added if the project is approved.
- He concluded his presentation and asked if the commission had any questions.

There were no questions for staff.

Public testimony opened.

Todd Stam, applicant representative, provided the following statements:

- Staff did a great presentation.
- This request is for a 28 lot subdivision with 75 frontage feet per lot and a minimum of 11,500 square feet per lot.
- They are requesting three deviations to facilitate the layout on the triangular parcel.
- The proposed development will be built as single phase with construction beginning immediately after receiving approval from the city.

Rob Tate, Engineer, provided the following statements:

- There are three deviations requested and after meeting with Chris Bosley, City Engineer, he is ok with those deviations.

- He met with the Fire Department and they suggested a new area for snow storage that was originally indicated on the plat.
- He concluded his presentation and asked if the commission had any questions.

Staff comments:

Commissioner Messina inquired regarding the square footage of lots in the surrounding area.

Mr. Tate stated that the surrounding lots are about 11,000 square feet, which is comparable with this proposed subdivision.

Dan Studer commented that a cul-de-sac should be added for improved safety so people can turn around. He indicated the driveways, as designed on the plat map for lots 4, 5 and 10, appear that they will be turning around in the road. He commented that those driveways are too close to Thomas Lane.

Rebuttal:

Rob Tate stated that they met with the Fire Department regarding the design of the “T” intersection and has met their standards. He commented that all of the lots have 75 foot frontages and that the driveways were designed so people will not be pulling out directly onto Thomas Lane.

Public Testimony closed.

Commissioner Ingalls commented that this revised proposal is impressive. He gave kudos to the applicant and the neighborhood for listening to each other to come up with a plan that makes most everyone happy. He further commented that the requested deviations are minor and also complimented the applicant’s engineer for staggering the lots on the west side so those lots will retain some privacy.

Commissioner Rumpler commended the applicant for listening to neighborhood concerns.

**Motion by Ward, seconded by Fleming, to approve Item S-2-17. Motion approved.**

ROLL CALL:

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

Motion to approve carried by a 6 to 0 vote.

2. Applicant: Joe McCormick  
 Location: 250 W. Anton  
 Request: A proposed Custom Manufacturing special use permit  
 In the C-17 (Commercial at 17 units/acre) zoning district.  
 QUASI-JUDICIAL (SP-2-17)

Mike Behary, Planner, presented the staff report and explained that Advanced Custom Cabinets is requesting approval of a special use permit to allow a custom cabinet manufacturing operation in the C-17 Commercial Zoning District.

- The applicant has been manufacturing custom cabinets since 1997. He currently operates his business in Hayden.

- Showed a photo of the property that has an existing 24,500 square foot structure. Approximately 1,850 square feet of the building will be a dedicated showroom.
- Showed the site plan and floor plan and noted that the applicant intends to do all manufacturing and operations in this building.
- The applicant has indicated that he does not have any plans to expand this facility or build an additional building on the property.
- Showed the existing zoning map and indicated surrounding properties that have a special use permit.
- He indicated that other departments have reviewed the request with no additional comments.
- Mr. Behary concluded his report and asked if the commission had any questions.

Commissioner Fleming noted there is a mobile home park in this area and hopes that it remains.

Public Testimony open.

Joe McCormick, applicant, provided the following statements:

- They are currently located in Hayden. Advanced Custom Cabinets is a local manufacturer of quality custom woodwork. They provide services in Western and Central Washington, Oregon and occasionally Hawaii and San Francisco.
- Explained a brief history of the business that first opened in 2000. They currently have 45 employees.
- Advanced Cabinets is equipped with the most advanced equipment. All machinery is housed inside the building, limiting outdoor noise levels.
- This new location has well-insulated walls, as this was formerly a beverage storage facility. The new facility is between 50 to 60 decibel noise levels.
- Materials are delivered daily. We receive 1 to 5 trucks per day including UPS and FedEx. Most of the trucks will be the smaller UPS and FedEx vehicles.
- Hours of shipping and receiving are 7 a.m. to 5:00 p.m.
- Advanced cabinets is Greenguard certified, California CARB compliant, and NAF certified.
- Advanced Cabinets is committed to the safety of our customers, employees and the environment.
- Mr. McCormick concluded his presentation and asked if the commission had any questions.

Commissioner Ingalls commented that he is aware that trucks come and go during the night and has heard complaints from neighbors that late at night, truck engines are left running. He inquired if this was approved, would he object to adding a condition that limits the hours of operation from 6:00 a.m. to 6:00 p.m.

Mr. McCormick stated that he would not object to restricting the hours of operation, but commented that this is a commercial zoned area. He explained that he can sympathize with neighbors who have lived with noise because he has lived through it himself and it wasn't fun.

Commissioner Fleming inquired how many shifts they have during the week.

Mr. McCormick stated they run one shift. He explained that the only time they may run another shift is if they are expecting a large shipment, but that is rare.

Commissioner Ward understands that he can't control everything and inquired if they have had any deliveries past midnight.

Mr. McCormick explained once they were expecting a special machine and a truck did show up before delivery hours, but that is rare. He stated that they have a locked gate going into the property, so if they show up, they can't be on our property.

Chairman Jordan inquired if the city has any noise standards for this type of situation.



Ms. Anderson stated there is a section in our performance standards addressing decibel readings. She explained that those standards pertain to continuous noise and not intermittent noise.

Commissioner Luttrupp inquired if the previous owner had a special use permit.

Ms. Anderson responded they did not.

Commissioner Ward commented this is a perfect location for this type of business, since the building is already well insulated.

Mr. McCormick concurs and feels they have found the perfect spot for his business.

Trudy Dion commented that she lives by this property and questioned the type of solvents and lacquers they will be using. She explained that she also lives next door to a car painting company and has noticed some of her garden plants get some of the residue on them.

Mr. McCormick commented that he can't speak for the other painting company, and explained that their company conforms to all the standards for safety and air quality codes. He commented that he would be alarmed if this happened to his company. He stated that his facility has high tech fans and ventilating system that doesn't omit harmful fumes into the air. He commented that they use the highest quality wood that is treated with lacquers not harmful to the environment. He stated that all their products are "Green Level Certified."

Public Testimony closed.

Discussion:

Commissioner Ingalls stated that he will withdraw adding another condition that limits the hours of operation.

Commissioner Ward commented that he appreciates the applicant doing his homework and giving a great presentation.

**Motion by Fleming, seconded by Messina, to approve Item SP-2-17. Motion approved.**

ROLL CALL:

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


Motion to approve carried by a 6 to 0 vote.

**ADJOURNMENT:**

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

The meeting was adjourned at 7:20 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



# INTERPRETATION



## MEMORANDUM

DATE: APRIL 11, 2017  
TO: PLANNING COMMISSION  
FROM: PLANNING DEPARTMENT  
RE: **I-1-17 INTERPRETATION OF SP-3-04**

### DECISION POINT:

Determine whether development of multiple buildings on individual lots meets the intent of prior approval.

### HISTORY:

#### **ZC-13-92**

Approved C-17L zoning on the 5 +/- acre subject property at the southwest corner of Ramsey Road and Kathleen Ave.

#### **SP-3-04**

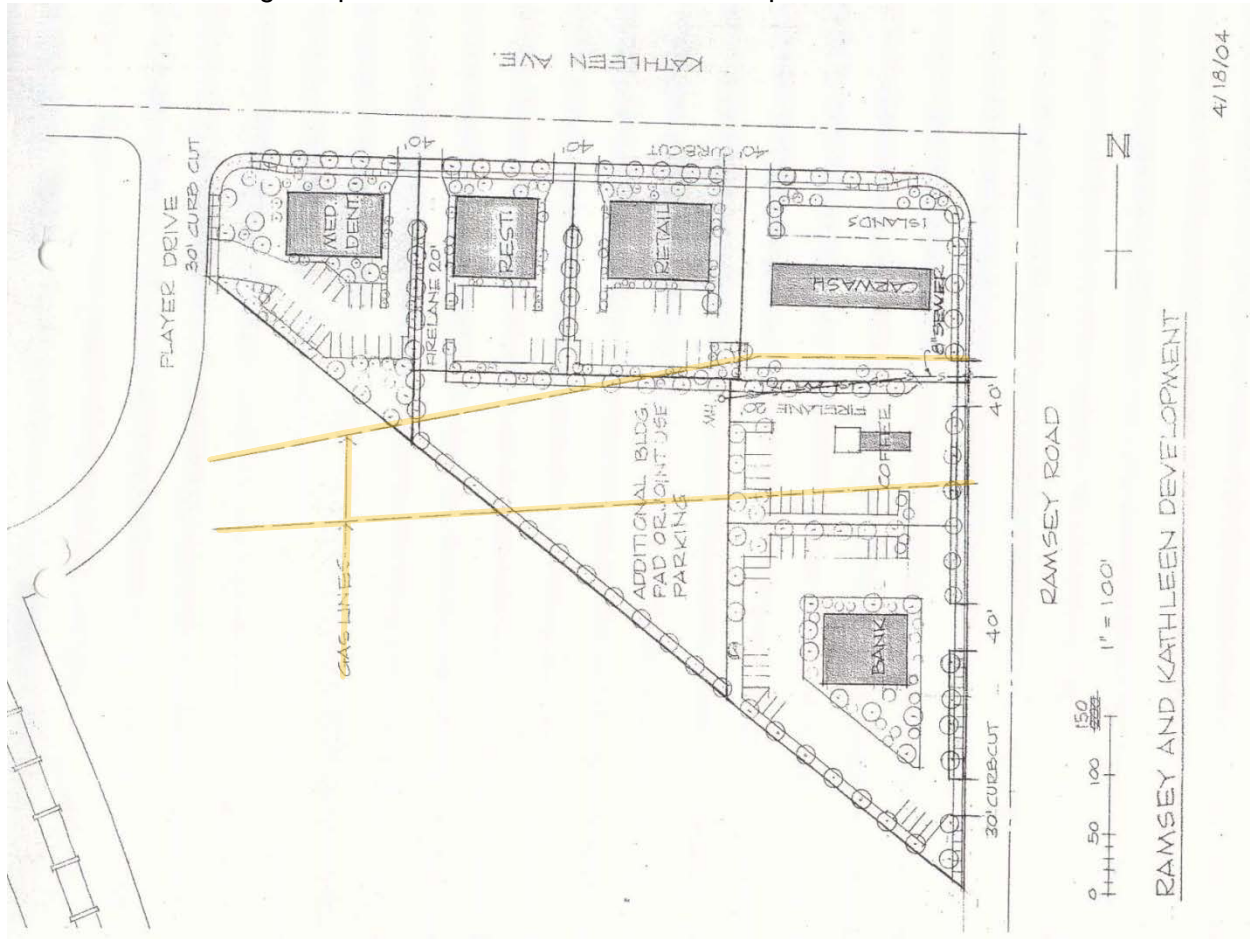
In May, 2004, the Planning Commission approved a special use permit in the C-17L zone. Uses approved included: Automobile Repair and Cleaning, Food & Beverage On/Off-Site Consumption, and Specialty Retail Sales.

The applicant (in 2004) provided a conceptual site plan and a narrative describing how the parcel(s) would be developed over time. The site has since changed hands, and some of the development proposed has occurred on the site. A carwash, restaurant, and coffee stand currently exist at the location. The construction of the first building solidified the validity of the special use permit on all the subject properties.

Included in the narrative was language that described how the site would develop. These were summarized in the 2004 staff report as follow:

- Provide commercial uses that will serve the surrounding residential neighborhood
- Buildings on individual sites to avoid the appearance of a strip commercial center
- Buildings at the front property line with parking in rear to avoid the appearance of a strip commercial center
- Fully landscaped to soften and screen commercial development from adjoining apartment use
- Buildings would be designed to be compatible with the character of the residential neighborhood to the south

The following site plan was included in the 2004 request:



Note that there is an existing landscape buffer that exists between the subject properties and the multi-family apartments to the south:

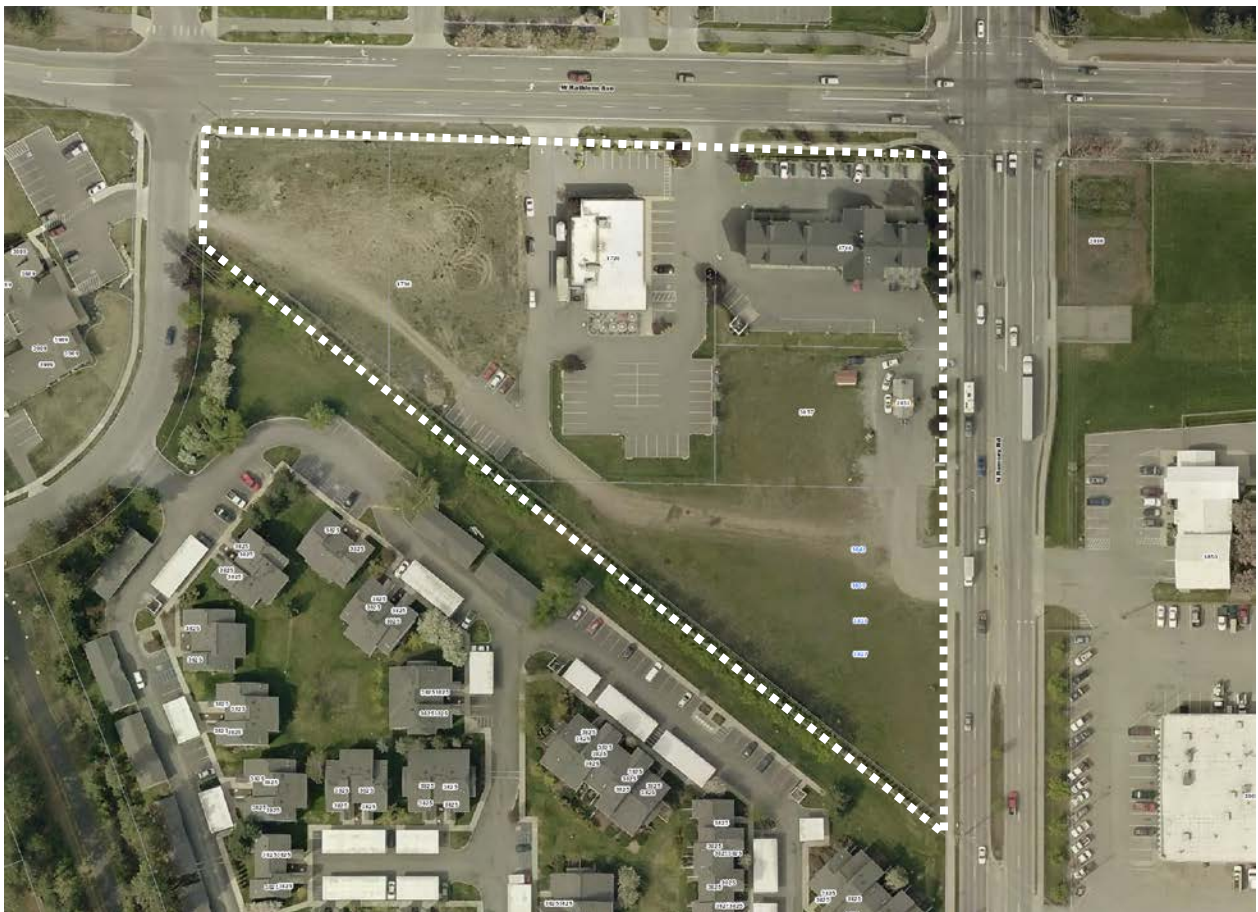




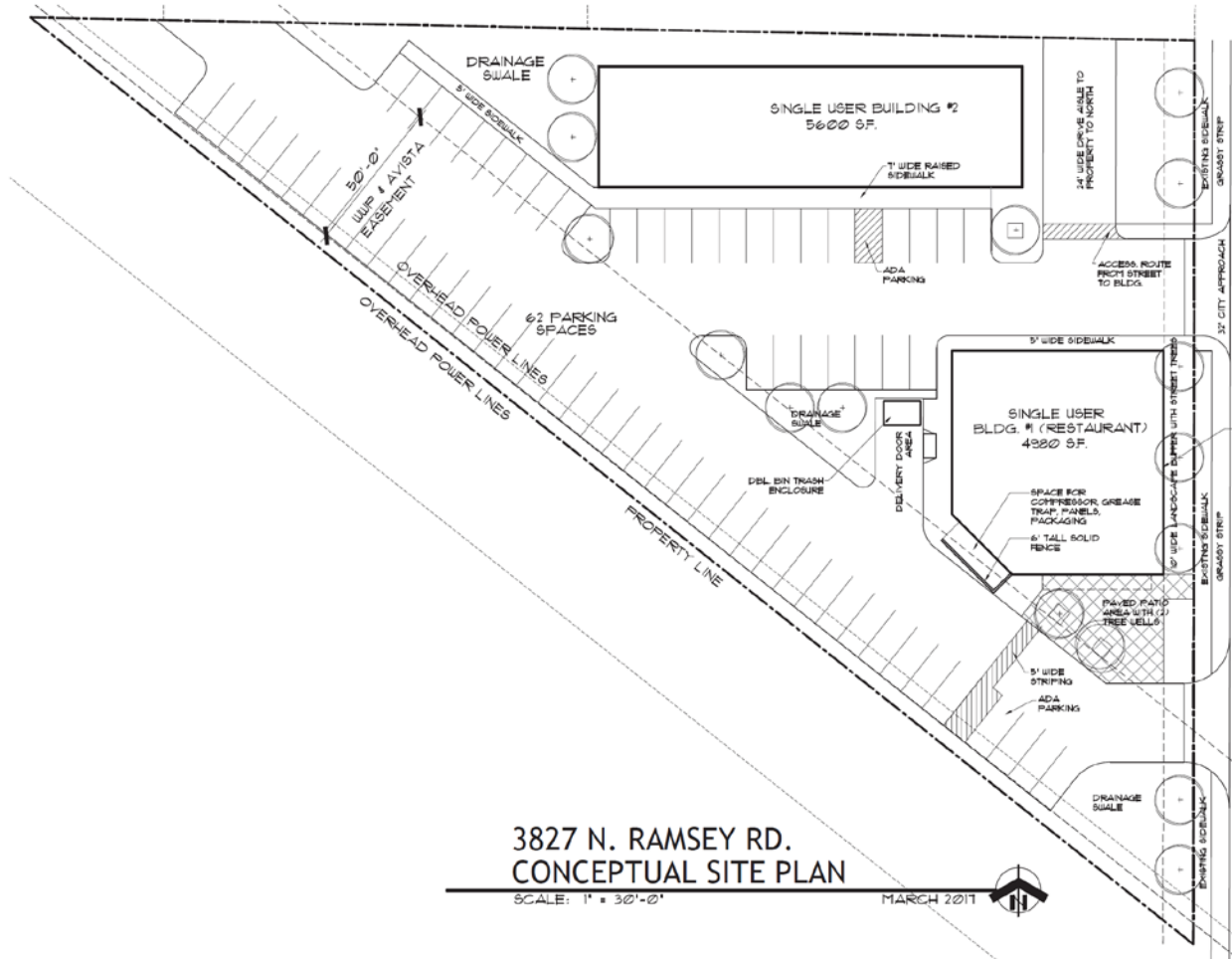
## CURRENT EVENTS:

The subject property has been encumbered with easements for gas lines, and coupled with the shape of the site, the applicant has expressed that there has been difficulty in designing the site to meet development goals while respecting the constraints.

A project review was held in March 2017, where it was determined that the applicant's intent of providing a "strip mall" type structure did not meet the intent of the original approval. At that time, Planning Department staff gave the applicant the choice to comply with the SUP (single building per lot), to request a Planning Commission interpretation for detached structures (this request), or a modification to request attached strip mall style construction (requires notice/similar to new hearing). The applicant chose an interpretation to seek approval for detached buildings on a single lot. The applicant is seeking Commission permission to have that flexibility.



The following conceptual lot design is reflective of what the applicant seeks approval for. Note that this plan is of the most southeastern lot and proposes two buildings:



**PERFORMANCE ANALYSIS:**

Staff feels with the constraints of the easements on site, preventing a “strip mall” atmosphere, buffering the multi-family use to the south (while retaining connectivity), and providing parking to the rear and sides (not front) along Ramsey, will provide a similar product when the site reaches build-out.

**DECISION POINT RECOMMENDATION:**

Determine whether the allowance of detached structures on individual lots meets the intent of prior approval.



**APPLICANT'S  
NARRATIVE**

March 24, 2017

City of Coeur d' Alene  
Planning Department

Project: Ramsey and Kathleen Avenue (Meltz Restaurant) with additional building pad.

RE: Proposed Interpretation of the the S.U.P. of 2004 in the C-17-L zone for  
3827 N. Ramsey Road

3827 N. Ramsey Road is currently a vacant parcel of land south of Kathleen Avenue. As part of the approved S.U.P. of 2004, one of the requirements was to allow only "single use buildings". The S.U.P. did not specifically specify that there may be more than one single use building per parcel.

We respectfully request that the Planning Department provides an interpretation of the above requirement to allow more than one single use building on the site in question for the following reasons:

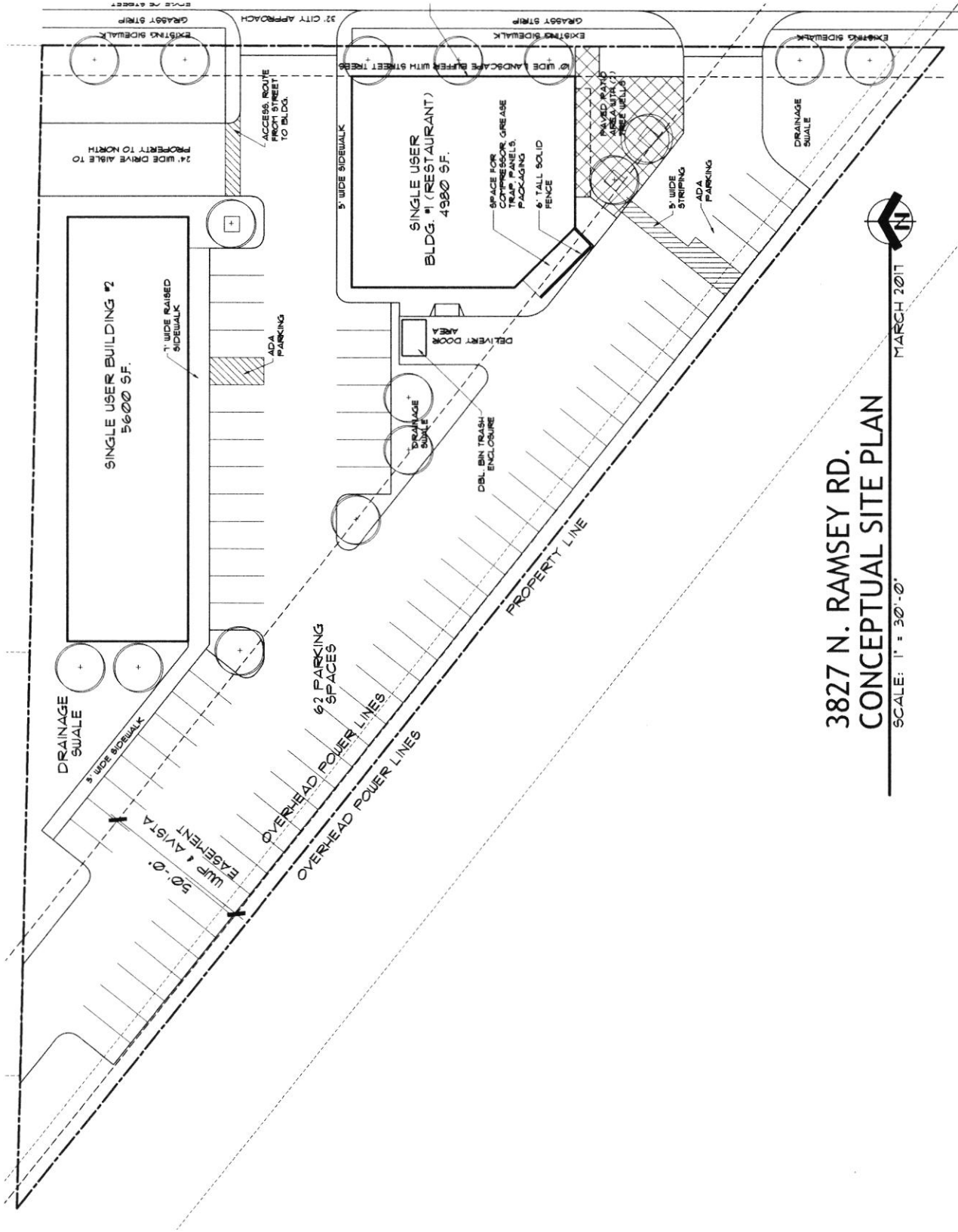
- The site is irregular in shape (triangular) and thereby very difficult to provide a square building on this site. Two smaller buildings is more appropriate for this particular shaped parcel.
- The site contains a substantial 50' wide easement along its southwest border, making a single building very difficult.
- The proposed uses will be conducive to the adjacent surrounding commercial development and to the multifamily use to the south.

We respectfully request that the Planning Department considers an interpretation to allow two single use buildings on this site. Please see the attached conceptual site plan. Thank you.

Sincerely,

Ryan Beckenhauer





3827 N. RAMSEY RD.  
 CONCEPTUAL SITE PLAN

SCALE: 1" = 30'-0"



MARCH 2011



Kathleen Avenue

Ramsey Road

AIN: 250450  
Parcel: C13770010030







# **PUBLIC HEARINGS**



## **PLANNING COMMISSION STAFF REPORT**

**FROM:** MIKE BEHARY, PLANNER

**DATE:** APRIL 11, 2017

**SUBJECT:** SP-3-17, REQUEST FOR A SPECIAL USE PERMIT TO ALLOW AN EXPANSION OF A CRIMINAL TRANSITION FACILITY IN THE C-17 COMMERCIAL DISTRICT

**LOCATION:** A +/- 12.19 ACRE PARCEL LOCATED AT 5500 N GOVERNMENT WAY

**APPLICANT/OWNER:**

Kootenai County  
451 N Government Way  
Coeur d'Alene, ID 83814

**DECISION POINT:**

Kootenai County is requesting approval of a special use permit to allow the expansion of their existing jail facility for an additional 125 beds and to allow for a future expansion for approximately an additional 110 beds at a later date on property located in the C-17 Commercial Zoning District.

**BACKGROUND INFORMATION:**

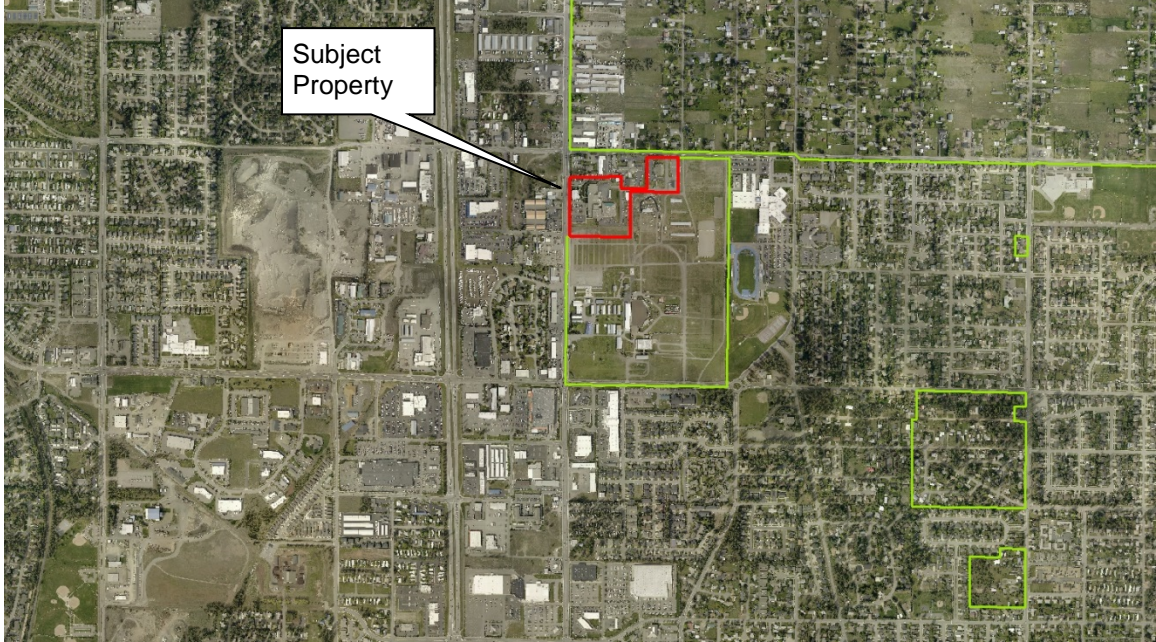
Prior to 1984 the subject site was vacant and part of the County Fairgrounds property. In 1984 the County applied for a special use permit prior to annexation in item SP-1-85 for a criminal transition facility to build the new county jail facility at this site. The special use was approved on February 4, 1985. The County then made application to annex the subject site with C-17 Commercial zoning in item ZC-1-85A. The annexation and zoning to C-17 was approved on March 5, 1985. The County then built the jail thereafter.

The existing jail is designed to house 327 inmates. The proposed new expansion is approximately 28,100 square feet (SF) in area. The proposed expansion is scheduled to require approximately 21 new addition employees to help manage, secure, and operate the new facility. The proposed building addition will add 125 beds and be in part, a shelled in area that will handle a future expansion that will add approximately 110 more beds to this facility in the future. The proposed expansion will result in a total of approximately 225 additional beds after future build out is completed. (See Floor Plans on page 4)

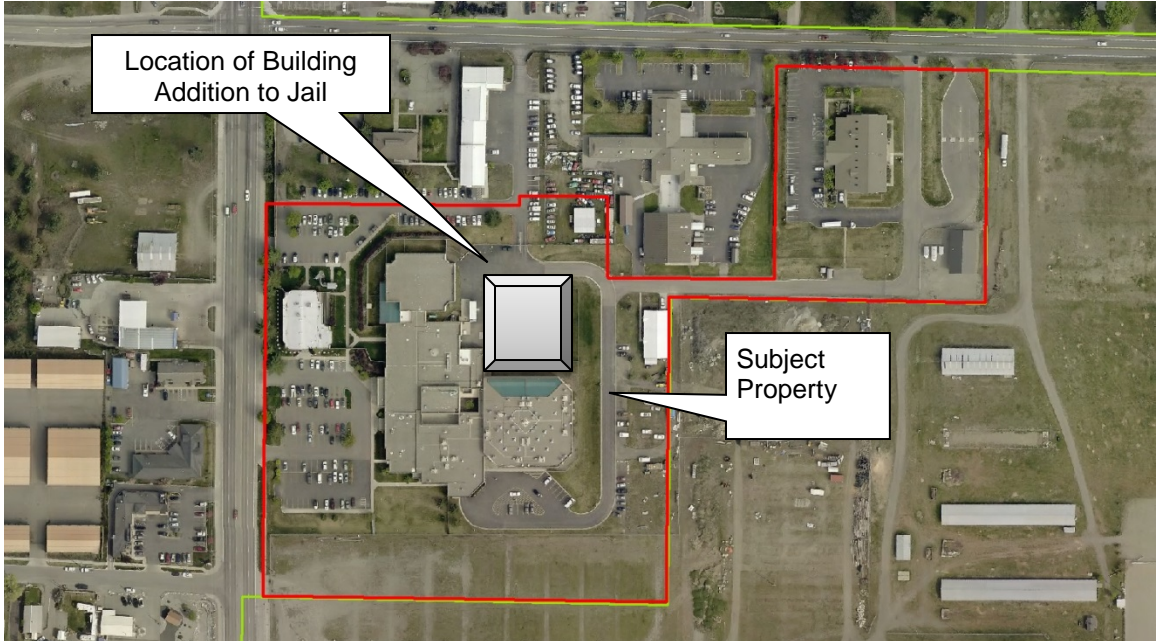
The 2000 US Census indicated that the population of Kootenai County was 108,700. The US Census has indicated that the estimated population of Kootenai County in 2016 was 154,300, an increase of 40%. The applicant has indicated that the proposed expansion to the jail facility will help alleviate the overcrowding at the jail that has been occurring in recent times.

The proposed addition is on the east and north side of the facility and is adjacent to the existing inmate housing unit. The applicant has submitted a site plan of the property that shows where the proposed expansion to the jail facility will be located. (See Site Plan on page 3)

**PROPERTY LOCATION MAP:**



**AERIAL PHOTO:**

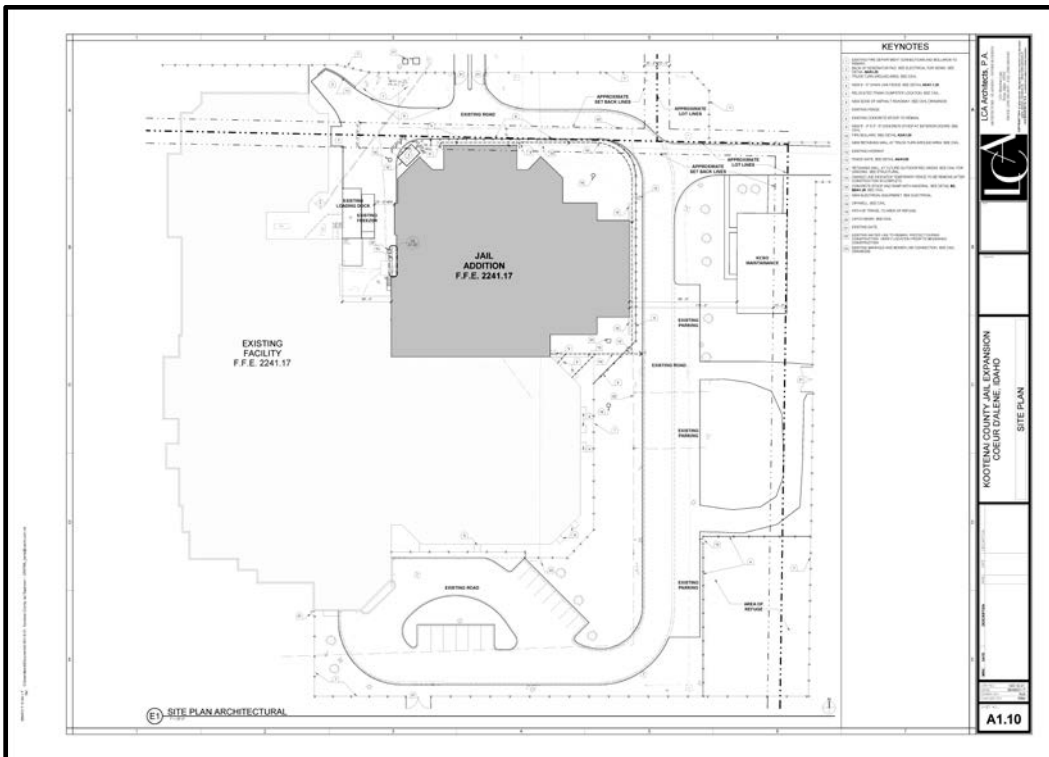




**BIRDS EYE AERIAL PHOTO:**

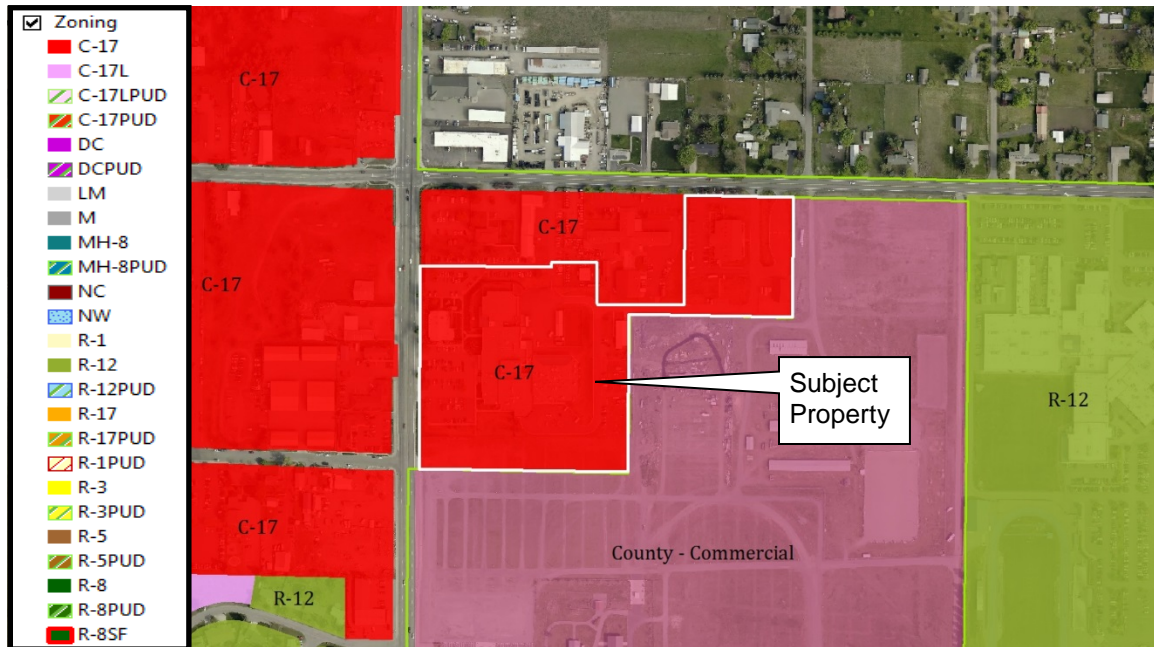


**APPLICANT'S SITE PLAN:**





## ZONING MAP:



### C-17 COMMERCIAL ZONING DISTRICT:

The C-17 district is intended as a broad spectrum commercial district that permits limited service, wholesale/retail and heavy commercial in addition to allowing residential development at a density of seventeen (17) units per gross acre. This district should be located adjacent to arterials; however, joint access developments are encouraged.

#### 17.05.500: PERMITTED USES; PRINCIPAL

Principal permitted uses in a C-17 district shall be as follows:

- Administrative offices
- Agricultural supplies and commodity sales
- Automobile and accessory sales
- Automobile parking when serving an adjacent business or apartment
- Automobile renting
- Automobile repair and cleaning
- Automotive fleet storage
- Automotive parking
- Banks and financial institutions
- Boarding house
- Building maintenance service
- Business supply retail sales
- Business support service
- Childcare facility
- Commercial film production
- Commercial kennel
- Commercial recreation
- Communication service
- Community assembly
- Community education
- Community organization
- Construction retail sales
- Consumer repair service
- Convenience sales
- Convenience service
- Department stores
- Duplex housing (as specified by the R-12 district)
- Essential service
- Farm equipment sales
- Finished goods wholesale
- Food and beverage stores, on/off site consumption
- Funeral service
- General construction service
- Group assembly
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Home furnishing retail sales
- Home occupations



- Hospitals/healthcare
- Hotel/motel
- Juvenile offenders facility
- Laundry service
- Ministorage facilities
- Multiple-family housing (as specified by the R-17 district)
- Neighborhood recreation
- Noncommercial kennel
- Nursing/convalescent/rest homes for the aged
- Personal service establishments
- Pocket residential development (as specified by the R-17 district)
- Professional offices
- Public recreation
- Rehabilitative facility
- Religious assembly
- Retail gasoline sales
- Single-family detached housing (as specified by the R-8 district)
- Specialty retail sales
- Veterinary office

**17.05.510: PERMITTED USES; ACCESSORY**

Accessory permitted uses in a C-17 district shall be as follows:

- Accessory dwelling units.
- Apartment for resident caretaker watchman.
- Outside area or buildings for storage and/or preparation of merchandise or goods necessary for and incidental to the principal use.
- Private recreation (enclosed or unenclosed).
- Residential accessory uses as permitted by the R-17 district

**17.05.520: PERMITTED USES; SPECIAL USE PERMIT**

Permitted uses by special use permit in a C-17 district shall be as follows:

- Adult entertainment sales and service
- Auto camp
- Criminal transitional facility
- Custom manufacturing
- Extensive impact
- Residential density of the R-34 district as specified
- Underground bulk liquid fuel storage - wholesale
- Veterinary hospital
- Warehouse/storage
- Wireless communication facility

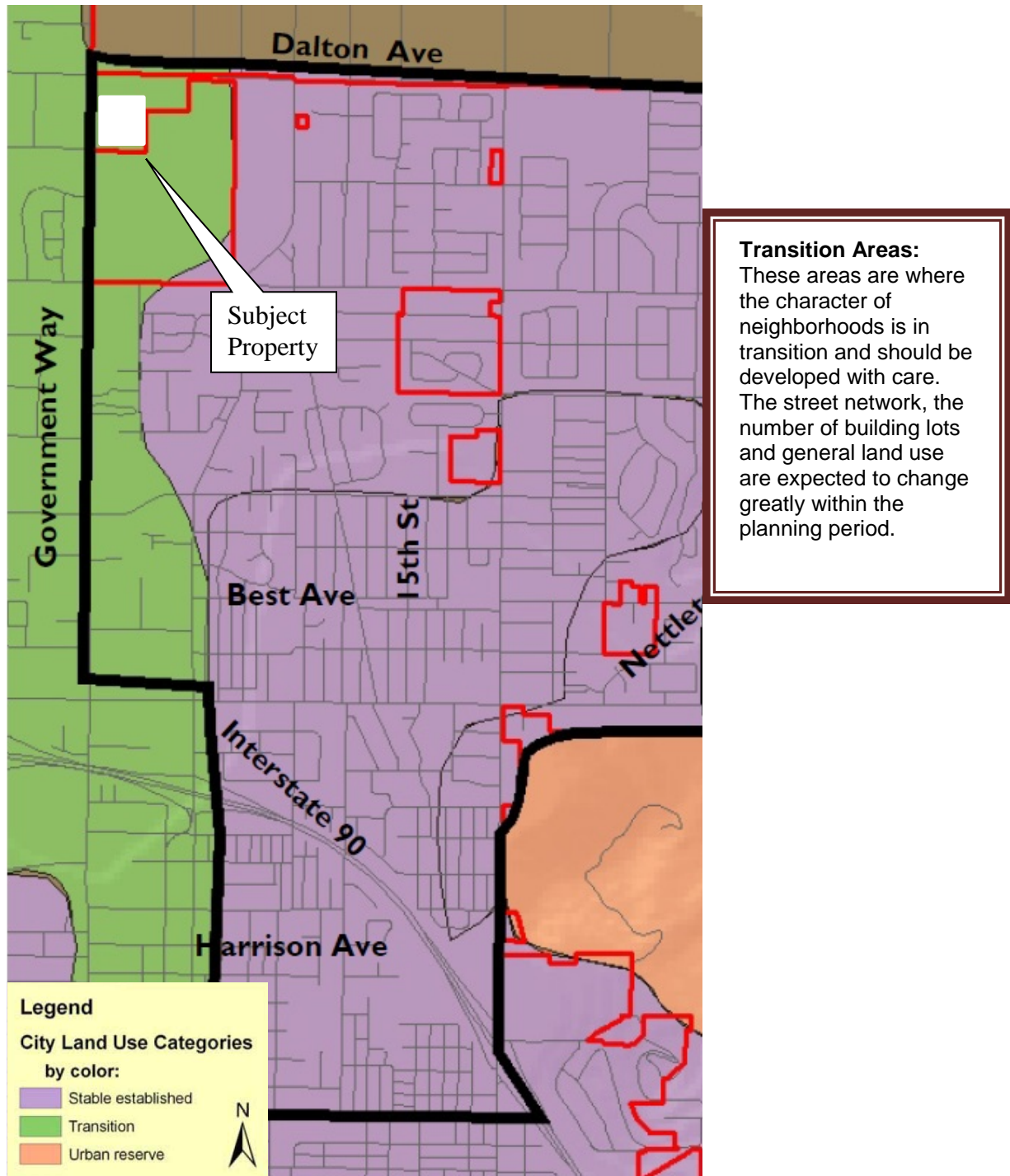
**REQUIRED FINDINGS FOR SPECIAL USE PERMITS:**

Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

**A. Finding #B8A: The proposal (is) (is not) in conformance with the Comprehensive Plan.**

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area in the NE Prairie Area, Transition:

**COMPREHENSIVE PLAN MAP: NE Prairie**



**NE Prairie Today:**

This area is composed of a variety of zoning districts with a majority of residential density at three to eight units per acre. Lower density development becomes more prominent moving north. The NE Prairie provides a range of housing choices that includes a number of large recreation areas and small pocket parks.

Canfield Mountain and Best Hill act as the backdrop for this portion of the prairie. Much of the lower lying, less inhibitive areas have been developed. Pockets of development and an occasional undeveloped lot remain.

**NE Prairie Tomorrow:**

It is typically a stable established housing area with a mix of zoning districts. The majority of this area has been developed. Special care should be given to the areas that remain such as the Nettleton Gulch area, protecting the beauty and value of the hillsides and wetlands.

**The characteristics of US 95 Corridor neighborhoods will be:**

- The overall density may approach three to four residential units per acre, however, pockets of higher density housing and multi-family units appropriate in compatible areas.
- Commercial uses are concentrated in existing commercial area along arterials with neighborhood services nodes where appropriate.
- Natural vegetation is encourage and should be protected in these areas.
- Pedestrian connections and street trees are encouraged in both existing neighborhoods and developing areas.
- Clustering of smaller lots to preserve large connected open space areas as well as views and vistas are encouraged.
- Incentives will be provided to encourage clustering.

**2007 Comprehensive Plan Goals and Objectives that apply:**

**Objective 1.12 - Community Design:**

Support the enhancement of existing urbanized areas and discourage sprawl.

**Objective 1.14 - Efficiency:**

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

**Objective 3.05 - Neighborhoods:**

Protect and preserve existing neighborhoods from incompatible land uses and developments.

**Objective 3.16 – Capital Improvements:**

Ensure infrastructure and essential services are available for properties in development.

**Objective 4.01 - City Services:**

Make decisions based on the needs and desires of the citizenry.

**Objective 4.05 – Public Safety:**

Provide adequate public safety to our citizens and visitors.

**Objective 4.06 – Public Participation:**

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

**Evaluation:** *The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

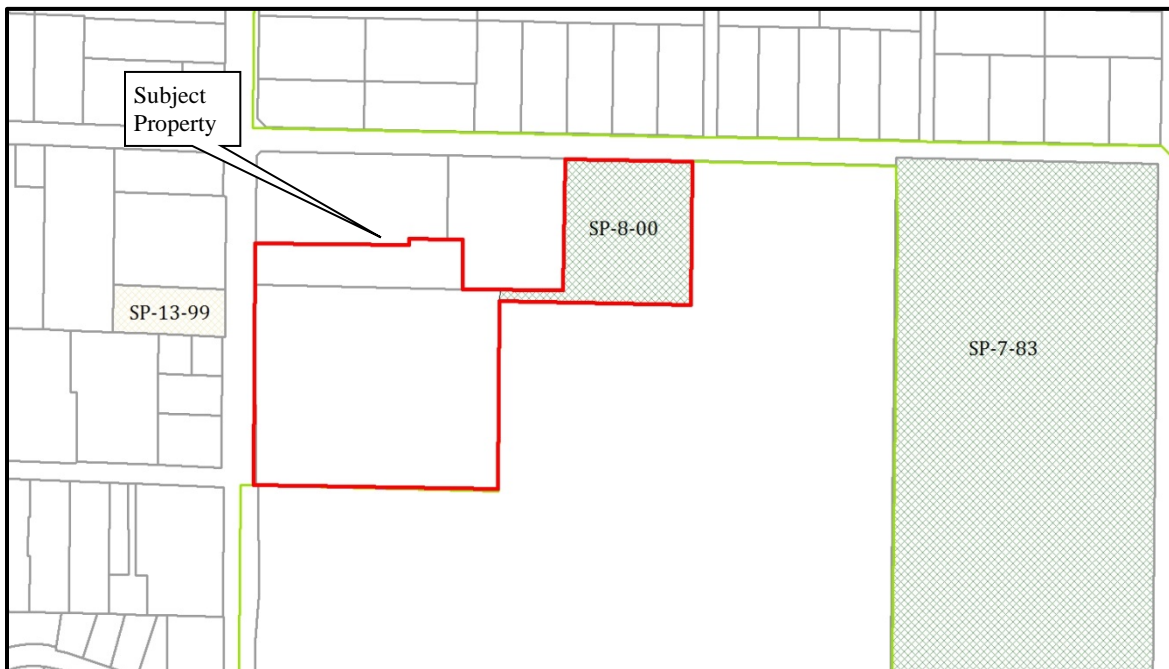
**B. Finding #B8B: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.**

The jail has been located on this site and has existed with the surrounding use since 1987. The subject site is adjacent to the County Fairgrounds to the south and east. The properties to the north of the subject site are in the City of Dalton Gardens and have commercial and residential uses on them. To the west are commercial uses.

The subject site has frontage on Dalton Avenue and Government Way, which is an arterial road. The proposed building addition to the jail meets all the required building setbacks and height requirements for structures in the C-17 Zoning District. The properties to the north and west of the subject site are zoned C-17 Commercial. The properties to the south and west are zoned County Commercial. (see Zoning Map on page 5).

The Planning Commission approved a special use request for a Criminal Transition Facility (SP-8-00) on the eastern part of the subject property in 2000 that allowed for the construction of a 126 bed County Work Release Center. The Planning Commission also approved an expansion of the Coeur d'Alene High School in 1983 in item SP-7-83 that is east of the subject site. (See Special Use Map below)

**SURROUNDING SPECIAL USE LOCATIONS:**

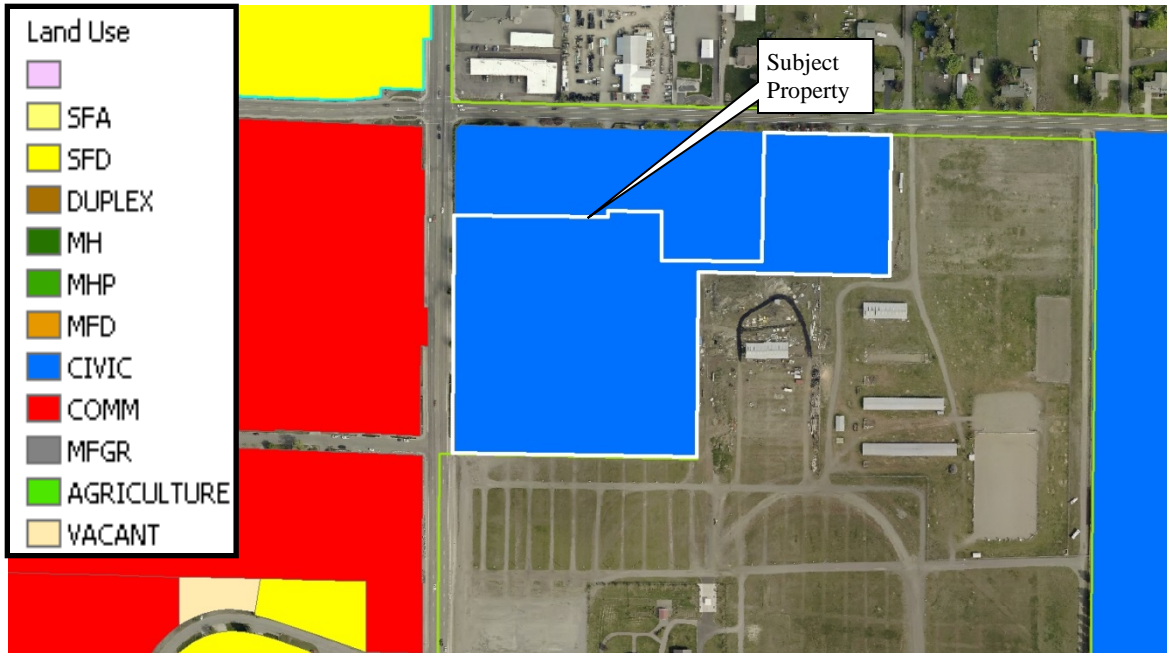


Special Use Permits:

SP-07-83	Expansion-High School	11-11-1983	Approved
SP-13-99	Cell Tower	7-13-1999	Not Needed/Refunded
SP-08-00	Criminal Transition Facility	6-6-2000	Approved



**GENERALIZED LAND USE MAP:**



**SITE PHOTO - 1:** View from the south central part of property looking north.



**SITE PHOTO - 2:** View from the south central part of property looking northeast.



**SITE PHOTO - 3:** View from the southeast looking northwest.





**SITE PHOTO - 4:** View from the southeast looking north.



**Evaluation:** *Based on the information presented, the Planning Commission must determine if the request is compatible with surrounding uses and is designed appropriately to blend in with the area.*

- C. Finding #B8C: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities, and services.**

**STORMWATER:**

Stormwater treatment and containment will be addressed during development and construction on the subject property. City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

**STREETS:**

The subject property is bordered by Government Way on the west and Dalton Avenue on the north. The current street and right-of-way widths meet the City standards. No alterations to the street section will be required.

**TRAFFIC:**

The proposed jail expansion is not expected to have adverse effects on the adjacent transportation network. The ITE Trip Generation Manual estimates that approximately 0.23 -0.42 Am and PM peak hour trips per employee per day may be generated. Although the number of additional employees is not known, it is expected that the 5-lane Government Way (and 2-lane Dalton Avenue) have the capacity to handle the traffic from the proposed development. The Engineering Department has no objection to this special use permit as proposed.

*-Submitted by Chris Bosley, City Engineer*

**WATER:**

There is adequate capacity in the public water system to support domestic, irrigation, and fire flow for the proposed special use permit for an expansion to the County Jail facility located at 5500 N Government Way. There is an existing 8" water main that extends through easements on the subject property. The Water Department has no objection to this special use permit as proposed.

*-Submitted by Terry Pickel, Water Superintendent*

**SEWER:**

Presently, all three (3) Kootenai County parcels are connected to public sanitary sewer in Government Way via campus sewerage system owned and operated by Kootenai County. Wastewater would prefer Kootenai County to reroute the jail expansion and structures fronting Dalton Avenue to discharge their wastewater into the public sanitary sewer in Dalton Avenue. The structures fronting Government Way may continue to discharge their wastewater into their existing public sewer connection in Government Way. Diverting a portion of the county's wastewater flows will free up additional capacity within the public sewer while permitting Kootenai County to continue their ownership and operations of their campus sewerage system.

With the above comment, the City's Wastewater Utility presently has the wastewater system capacity and willingness to serve this Special Use as proposed.

*-Submitted by Mike Becker, Utility Project Manager*

**PARKS:**

The Parks Department has no requirements for this development. The Parks Department has no objection to this special use permit as proposed.

*-Submitted by Monte McCully, Trails Coordinator*

**FIRE:**

The Fire Department works with the Engineering and Water Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents.

Fire department access to the site (road widths, surfacing, maximum grade, and turning radiuses), in addition to, fire protection (size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to building permit or site development, utilizing the currently adopted International Fire Code (IFC) for compliance. The City of Coeur d'Alene Fire Department can address all concerns at site and building permit submittals. The Fire Department has no objection to this special use permit as proposed.

*-Submitted by Bobby Gonder, Fire Inspector*

**Evaluation:** *Planning Commission must determine if the location, design, and size of the proposal are such that the development will or will not be adequately served by existing streets, public facilities and services.*



**PROPOSED CONDITIONS:**

**Planning:**

- 1) Ten (10) parking spaces will be required to support anticipated parking demands for staff members of the jail expansion. The parking spaces can be located on the property to the north of the new facility, which is considered part of the jail facility campus.

*The Planning Commission may, as a condition of approval, establish reasonable requirements to mitigate any impacts that would adversely affect the surrounding neighborhood. Please be specific, when adding conditions to the motion.*

**ORDINANCES AND STANDARDS USED IN EVALUATION:**

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices

**ACTION ALTERNATIVES:**

The Planning Commission must consider this request and make appropriate findings to approve, deny, or deny without prejudice. The findings worksheet is attached.

A decorative border composed of a grid of purple diamonds in various shades, surrounding a central light purple rectangular area.

**APPLICANT'S  
NARRATIVE**

**JUSTIFICATION:**

Proposed Activity Group(s): Detention Facility

Prior to approving a special use permit, the Planning Commission is required to make Findings of Fact. Findings of Fact represent the official decision of the Planning Commission and specify why the special use permit is granted. The **BURDEN OF PROOF** for why the special use permit is necessary shall rest on the Applicant. Your narrative should address the following points (attach additional pages if necessary):


A. A description of your request: "Criminal Transition SUP".  
Obtain a Special Use Permit to continue existing use as county jail  
(detention facility) and to allow for an addition to the jail for additional cells.

B. Explain how your request conforms to the 2007 Comprehensive Plan: \_\_\_\_\_  
Existing use will continue as a county jail (detention facility).


C. Explain how the design and planning of the site is compatible with the location, Setting, and existing uses on adjacent properties: Site is location of existing  
county jail. This expansion is the next phase that was planned after the last  
expansion ten (10+/- ) years ago. Adjacent properties consist of Sheriff's Office,  
Juvenile Justice Facility, Kootenai County Fairgrounds, other Sheriff's buildings  
and commercial properties.

D. Explain how the location, design, and size of the proposal will be adequately served by existing streets, public facilities and services: Site is currently served by  
Government Way & Dalton Avenue. Inmates to be housed on site will have minimal  
impact on public services. Sewer in Dalton and existing water service is adequate to  
serve site & expansion. Water service was sized for this project during the last expansion.

E. Any other information that you feel is important and should be considered by the Planning Commission in making their determination: Currently, Kootenai County  
is spending a lot of money to house and transport inmates to facilities outside our county.  
An addition to the current jail expands capacity and alleviates the need to house inmates  
outside the county. There are security risks in each transport for the inmate and a safety  
concern for the Sheriff's deputies. This expansion was planned for in the last addition to the  
building. The proposed expansion will include cells to accommodate 125 inmates. Part of  
the building will be shelled in for future cells. The future build out will allow for the  
accommodations of additional inmates. The county is requesting that the special use  
permit includes the future build out.



# **FINDINGS**



**COEUR D'ALENE PLANNING COMMISSION  
FINDINGS AND ORDER**

**A. INTRODUCTION**

This matter having come before the Planning Commission on April 11, 2017, and there being present a person requesting approval of ITEM: SP-3-17 a request for a Criminal Transition Special Use Permit in the C-17 zoning district.

APPLICANT: KOOTENAI COUNTY

LOCATION: A +/- 12.19 ACRE PARCEL LOCATED AT 5500 N GOVERNMENT WAY

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON**

**(The Planning Commission may adopt Items B1 to B7.)**

- B1. That the existing land uses are commercial and residential.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is C-17.
- B4. That the notice of public hearing was published on, March 25, 2017, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on March 27, 2017, which fulfills the proper legal requirement.
- B6. That the notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on April 11, 2017.
- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the comprehensive plan, as follows:

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting, and existing uses on adjacent properties. This is based on

- Criteria to consider for B8B:**
1. Does the density or intensity of the project "fit " the surrounding area?
  2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc?
  3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?

B8C The location, design, and size of the proposal are such that the development **(will) (will not)** be adequately served by existing streets, public facilities and services. This is based on

- Criteria to consider B8C:**
1. Is there water available to meet the minimum requirements for domestic consumption & fire flow?
  2. Can sewer service be provided to meet minimum requirements?
  3. Can police and fire provide reasonable service to the property?

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of KOOTENAI COUNTY for a special use permit, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

- 1) Ten (10) parking spaces will be required to support anticipated parking demands for staff members of the jail expansion. The parking spaces can be located on the property to the north of the new facility, which is considered part of the jail facility campus.

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Rumpler	Voted _____
Commissioner Ward	Voted _____

Chairman Jordan Voted \_\_\_\_\_ (tie breaker)

Commissioners \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

\_\_\_\_\_  
CHAIRMAN BRAD JORDAN



# DISCUSSION



**CHAPTER 17.08  
SPECIAL/HAZARD AREA REGULATIONS**

**ARTICLE X  
SHORT-TERM RENTALS**

- 17.08.1010: PURPOSE:**
- 17.08.1020: DEFINITIONS:**
- 17.08.1030: PERMIT REQUIRED:**
- 17.08.1040: STANDARDS:**
- 17.08.1050: VIOLATIONS; PENALTIES:**

**17.08.1010: PURPOSE:**

A. The purpose of this Article is to establish regulations for the use of Residential Dwellings as Short-Term Rentals, establish a system to track the Short-Term Rental inventory in the City, ensure compliance with local performance standards, provide a means of contact for the Responsible Party of a Short-Term Rental, establish a Good Neighbor Policy for Occupants of Short-Term Rentals and their guests, and allow private property owners the right to fully and efficiently utilize their property without undue regulation or interference.

B. Nothing in this Article shall be construed so as to nullify or override any lease agreements, or covenants, conditions, and restrictions applicable to the property that may prohibit or restrict its use for Short-Term Rental purposes.

**17.08.1020: DEFINITIONS:**

A. “Good Neighbor Policy” shall mean the list of general rules of conduct, best practices, and standards of respect prepared by the Planning Department and required to be provided to Occupants and their guests utilizing Short-Term Rentals within the City.

B. “Occupant” shall mean the person or persons who contract with the Responsible Party for use of the Short-Term Rental.

C. “Residential Dwelling” shall mean a single unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Tents, recreational vehicles, campers, and similar units not designed for permanent residential use are excluded from this definition.

D. “Responsible Party” shall mean the owner of a Residential Dwelling being used as a Short-Term Rental, as well as any person designated by the owner who is responsible for compliance with this Article by an Occupant and any guests utilizing the Short-Term Rental. The Responsible Party shall provide for the maintenance of the property and ensure compliance by the Occupant and any guests with the provisions of this Article, or any other applicable law, rule, or regulation pertaining to the use and occupancy of a Short-Term Rental. The owner of the property shall not be relieved of responsibility or liability for noncompliance with the provisions

of this Article, or any other applicable law, rule, or regulation pertaining to the use and occupancy of a Short-Term Rental because of the designation of another Responsible Party. All Responsible Parties shall be at least twenty-one (21) years old.

E. “Self-Inspection Checklist” shall mean the current form approved by the City for use with a Short-Term Rental application.

F. “Short-Term Rental” shall mean a Residential Dwelling which is rented for a minimum of two (2) nights and a maximum of thirty (30) days, and which is sometimes referred to as a “vacation rental.” One (1) night stays in a Short-Term Rental are specifically prohibited. This term does not include a Bed-and-Breakfast facility, an RV Park or campground, or a hotel or motel.

**17.08.1030: PERMIT REQUIRED:**

A. An applicant for a Short-Term Rental permit must be the owner of the Residential Dwelling to be offered for rent. No person with less than a fee ownership interest may apply for a Short-Term Rental permit.

1. A Short-Term Rental permit is issued to the applicant and does not attach to the Residential Dwelling.
2. A Short-Term Rental permit is non-transferable.

B. Prior to offering a Short-Term Rental to the public, the owner of the Residential Dwelling shall complete an application on a form provided by the City and file it with the City Clerk or his/her designee. The application shall include:

1. The owner’s legal name, date of birth, contact number, and both physical and mailing addresses;
2. If the Short-Term Rental is to be operated or managed by someone other than the owner, the name, date of birth, contact number, and both physical and mailing addresses for a Responsible Party with day-to-day authority and/or control over the Short-Term Rental, together with a copy of a valid government-issued identification of any Responsible Party;
3. The address of the Short-Term Rental; and
4. The signatures of the owner and other Responsible Party, if any, agreeing and acknowledging that they are jointly responsible for the compliance by the Occupant and any guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the Short-Term Rental, and for any unreasonable noise, disturbances or disorderly conduct by the Occupant and/or guests while utilizing while on the property of the Short-Term Rental.

C. If any information required by subsections B(1) through (4) hereof changes, a Responsible Party shall promptly advise the City.

D. At the time an application is filed with the City, a Responsible Party shall complete and file with the City the Self-Inspection Check list. A new Self-Inspection Checklist shall be completed and filed with the City each year thereafter during which the Short-Term Rental will be offered to the public.

E. Short-Term Rentals are not a grandfathered use. All Short-Term Rentals in the City must have a permit to operate.

F. Subject to § 17.08.1010(B), any Residential Dwelling in the City may be rented without a permit for no more than fourteen (14) days per calendar year, where those fourteen (14) days are divided into no more than two (2) stays.

**17.08.1040: STANDARDS:**

A. Accessory Dwelling Units and Properties with Multiple Dwelling Units.

1. ~~For properties that contain a~~An Accessory Dwelling Unit (ADU), as defined by § 17.02.030(E) of this Code, which existed on the effective date of this Article may be rented as a Short-Term Rental, provided that either the principal dwelling or ADU on the property must be occupied by a majority owner of the property or an immediate family member of the property owner more than six (6) months out of any given year~~neither the ADU nor the associated principal dwelling may be used as a Short-Term Rental.~~

2. After the effective date of this Article, an ADU may only be used as a Short-Term Rental if all applicable fees, including impact fees, are paid for the ADU. Once the applicable fees are paid, either the principal dwelling or ADU on the property must be occupied by a majority owner of the property or an immediate family member of the property owner more than six (6) months out of any given year.

3. A principal dwelling and its associated ADU may not both be rented out concurrently as Short-Term Rentals.

4. For properties with more than one dwelling unit, including multiple lots developed as a single parcel, only one dwelling unit per property may be used as a Short-Term Rental at any one time.

B. Duplex and Multiple-family Housing.

1. If multiple units in a Duplex or Multiple-family housing project (including condominiums and apartments) are owned by the same person or persons, only one unit in the project may be used as a Short-Term Rental.

2. The owner(s) of multiple units in a Duplex or Multiple-family housing project must designate which dwelling unit will be rented as a Short-Term Rental and advise the City of said designation in the application for a permit.

**BC.** Duties of Responsible Party.

1. A Responsible Party must be available twenty-four (24) hours per day, seven (7) days per week, for the purpose of responding within sixty (60) minutes to complaints regarding the condition of the Short-Term Rental or the conduct of the Occupant of the Short-Term Rental and/or their guests.

2. A Responsible Party shall obtain the name, address, and contact number of each Occupant of a Short-Term Rental.

3. A Responsible Party shall provide the information required in section 17.08.1040(B)(2) to the City at the City's request, if available.

4. A Responsible Party, upon notification that any Occupant or guest has created any unreasonable noise or disturbance, engaged in disorderly conduct, or committed a violation of any applicable law, rule or regulation pertaining to the use and occupancy of a Short-Term Rental, shall promptly respond in an appropriate manner within sixty (60) minutes and require an immediate halt to the conduct, and take such steps as may be necessary to prevent a recurrence of such conduct. Failure of the Responsible Party to respond to calls or complaints regarding the condition, operation, or conduct of an Occupant or guest in a Short-Term Rental in an appropriate manner within sixty (60) minutes shall constitute a violation of this Article.

5. A Responsible Party shall provide written notice to all residents within one hundred (100) feet of a Residential Dwelling that it is being used, or will be used, as a Short-Term Rental, which notice shall include a Responsible Party's contact number and the physical address of the Short-Term Rental.

6. A Responsible Party shall post on or near the front door of the Short-Term Rental a notice which includes the address of the Rental, emergency contact numbers, and a diagram showing emergency exit route(s) approved by the Fire Department.

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**CD.** Information Provided to Occupants

1. At the time of each occupancy of the unit, the Responsible Party shall provide to the Occupant of a Short-Term Rental the following:

- a. a current copy of the Short-Term Rental permit;
- b. the name and contact number of all Responsible Parties;
- c. a copy of the Good Neighbor Policy as approved by the City Planning Department;

d. a notice of the trash pick-up day, and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the dwelling; and

e. parking locations and requirements.

**DE.** Occupancy.

1. The maximum number of overnight guests occupying a Short-Term Rental shall not exceed the definition of “family” as provided in § 17.02.055(B).

2. Guests of an Occupant may use a Short Term Rental only when an Occupant is present and may not stay overnight.

3. A Responsible Party may rent either the entire Residential Dwelling or one (1) room of the Residential Dwelling to an Occupant. Under no circumstances shall a Responsible Party rent individual rooms in a Short-Term Rental to different Occupants for the same night or nights.

4. No recreational vehicle, travel trailer, tent, or other temporary shelter shall be used as a Short-Term Rental or in conjunction therewith to provide additional sleeping areas or otherwise.

**EF.** Outdoor storage.

1. Storage of equipment, inventory, or work-related items other than vehicles, shall be within the residence or a permitted accessory building. Outdoor storage and storage containers are prohibited. For purposes of this Chapter, the term “storage container” refers to industrial and commercial shipping containers and buildings, including PODS and like containers, which are designed to be portable and/or temporary and which do not meet the design criteria for accessory buildings. The term does not include sheds or small storage buildings intended for incidental residential use and which are compatible with residential use.

**EG.** Parking.

1. All Occupants and guests shall, to the greatest extent possible, utilize any off-street parking of the Residential Dwelling which constitutes the Short-Term Rental. On-street parking by Occupants and guests shall be governed by the applicable provisions of Chapters 10.20, 10.22, 10.24, and 10.27 of this Code.

2. An ADU, built after the effective date of this Article and used as a Short-Term Rental, requires one off-street parking space in addition to parking spaces required for the principal dwelling.

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**GH.** Signs and Advertising.

1. No sign indicating that the residence is a Short-Term Rental or that it is for rent or lease shall be displayed such that it is visible from the any other public or private property.
2. The street number of a Short-Term Rental shall be posted in accordance with Fire Department IFC requirements.
3. All advertising for the Short-Term Rental shall include the City permit number and the maximum number of vehicles accommodated by off-street parking spaces.

**I. Spacing.**

1. All Short-Term Rentals for which an application for a permit is filed with the City within ninety (90) days of the effective date of this Article, if otherwise qualified, shall be granted a permit without regard to its proximity to another Short-Term Rental.
2. No Short-Term Rental for which an application for a permit is filed with the City more than ninety (90) days after the effect date of this Article may be located closer than three-hundred (300) feet from a permitted Short-Term Rental.

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**HJ. Trash.**

1. Trash and refuse shall not be left stored within public view except in proper containers for the purpose of collection by the authorized waste hauler on scheduled trash collection days.
2. The Short-Term Rental property shall, at all times, be kept in a neat and sanitary condition, in compliance with the requirements of Title 8 of this Code.

**HK. Zoning.**

1. Subject to the standards and restrictions applicable in each zone, the standards and restrictions contained in this Article, and any permit requirements, the use of a Residential Dwelling as a Short-Term Rental is permitted as of right in all residential and commercial zones, MH-8 provided that the Residential Dwelling is installed as required by State law, and DC.

**17.08.1050: VIOLATIONS; PENALTIES:**

**A. Violations.**

1. It is unlawful for any Responsible Party to offer for Rent a Short-Term Rental or to operate a Short-Term Rental without a City permit.

2. It is a violation this Article if a Responsible Party, or an Occupant or guest knowingly and willfully violates any provision of this Article.

**B. Penalty.**

1. For a first offense, the violator shall be subject to a civil penalty in an amount established by Resolution of the City Council.

2. For any subsequent offense, the violator shall be subject to a misdemeanor, pursuant to section 1.28.010 of this Code.

3. In addition to any other remedy or procedure authorized by law, for three (3) or more violations of or failure to comply with any of the standards of this Article in a calendar year, the City Clerk or his/her designee may revoke a permit and, in addition, may order that no new permit shall be issued for up to three (3) years pursuant to the following procedures.

a. Prior to the revocation of any permit or the denial of a permit for repeated violation of the provisions of this Article, written notice of the reasons for such action shall be served on the Owner and/or Responsible Party in person or by certified mail at the address on the permit application. Revocation shall become final within ten (10) days of service unless the Owner and/or Responsible Party appeals the action. The Owner and/or Responsible Party shall provide the appeal in writing to the City Clerk or his/her designee within ten (10) days of receipt of the notice. The written notice of appeal must state the reasons for the appeal and the relief requested.

b. Should the owner and/or Responsible Party request an appeal within the ten (10) day period, the City Clerk or his/her designee shall notify the owner and/or Responsible Party in writing of the time and place of the hearing.

c. Appeals shall be heard by a neutral hearing officer designated by the City.

d. For good cause shown, the hearing officer may affirm or reverse the decision to revoke a permit. The hearing officer may affirm, reverse, or modify a decision to deny a new permit for upon a showing of good cause.

# 2017 Planning Department Work Plan – Voting Ballot

## **Directions:**

**Rank the following 32 projects on the voting ballot from 10 (“MUST DO”) to 1 (“DON’T REALLY CARE”). If you do not support staff spending any time on a project, rank it a 0.**

**Please rank only three of the projects as a 10.**

Some of the items below are marked with an asterisk. This indicates that staff considers them a “MUST DO,” however, the timing for many of these items has not been established. It is crucial to get rankings from the Planning Commission and City Council in order to determine the top priorities for the remainder of 2017 and first quarter of 2018.

Some of the items listed under CDA 2030 Action Items Assigned to the Planning Department are marked with N/A. This indicates that they are already included in the list as a separate project.

Once all scores have been received, staff will tabulate the scores and present the results at the following City Council meeting for a final determination on priority efforts for the Planning Department.

*This exercise will help prioritize items and identify the Top 3 to 6 projects for the Planning Department. Progress will be reviewed in 6 months, and if necessary, reprioritization of projects may occur.*



## PLANNING PROJECTS:

### **\* Vacation Rental Ordinance – *Underway***

The recent joint workshop with the City Council and Planning Commission established this as a priority. The final item to address is how ADU's will be handled. Staff anticipates this effort to be completed within the next 1-2 months.

### **\* Neighborhood Compatibility Ordinance - *Underway***

The Fort Grounds HOA requested this ordinance as an overlay zoning district. The Planning Commission has asked staff to schedule this for a public hearing at the May 11 meeting. Staff anticipates this effort to be completed within the next 2-4 months if some of the questions can be answered about the 0.4 FAR and virtual tent, and if the HOA can bring forward signatures representing more than 66% of the property owners are in support of the ordinance.

### **\*East Sherman Master Plan (*CDA 2030 Action Item*) – *Underway***

*"East Sherman Avenue Master Plan" (G&D 2.3) CDA 2030 Action Item*

Staff anticipates this project will take an additional 6 months to complete.

Recommendations:

- Reconvene advisory/stakeholder committee
- Apply for grants and technical assistance
- Report master planning progress and accomplishments to community
- Development a Project Webpage with project information
- Hold a series of town hall meetings to share results of stakeholder interviews, surveys, and feedback from previous town hall meetings, and seek community input on design options for the East Sherman corridor
- Create a Master Plan document with graphics
- Identify funding options
- PARK(ing) IT ON SHERMAN 3<sup>rd</sup> Annual Event – September 15<sup>th</sup>, 2017

\_\_\_\_\_ **\* Urban Farming Ordinance** *(CDA 2030 Action Item/Let's Move!) – Initiated*

*"Community Gardens" (C&I 3.4) CDA 2030 Action Item*

The City received a request from Pilgrim's Market and the Inland Northwest Food Network to amend the Zoning Code to allow community gardens, market gardens, neighborhood gardens, and accessory gardens. The Planning Commission has directed planning staff to proceed with a code amendment. Staff has enlisted volunteer assistance, but now the effort needs to be completed in-house.

\_\_\_\_\_ **Infill & Urban Housing Ordinance** *- Initiated*

This ordinance would replace the recently repealed Pocket Housing Ordinance and include variety of infill and urban housing options, including co-housing which may allow for tiny house communities. Staff anticipates this would take 6 months to complete.

Recommendations:

- Survey NIBCA, development community and neighborhood groups
- Facilitate Focus Group meetings

\_\_\_\_\_ **\* General Zoning Code Amendments** *– Initiated*

This is a general "Housekeeping Ordinance" to clean up issues with the Zoning Code that have been identified by Planning staff, address open space requirements for Planned Unit Development projects, address priority items that were requested by the City Council, and address Halfway Houses and clarify proof of "disability" requirements to qualify as group home in a residential zone.

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**General Subdivision Code Amendments** (in partnership with Engineering)

This is a general "Housekeeping Ordinance" to clean up issues with the Subdivision Code that have been identified by Planning and Engineering staff.

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**\* Amend the Infill Design Guidelines**

Clarify the purpose statements in the Infill Design Guidelines and fix the design guidelines to clarify that building separation is required in the DO-E (no connectors allowed). Also work with East Mullan neighborhood group to review and possibly revise the DOE guidelines and boundaries to address neighborhood compatibility concerns.

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**\* Amend the Downtown Design Guidelines & Development Standards**

Review the streets in the Downtown Core that are identified as pedestrian streets, possible drive-through locations, and address the preservation of view corridors action item from CDA 2030 Implementation Plan.

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**\* Revise Design Review Procedures – *Initiated***

Staff has heard from the City Council that the design review procedures need to be revised to make the process more efficient and remove subjectivity.

Recommendations:

- Amend Zoning Code to remove 1<sup>st</sup> meeting with the DRC and replace with Project Review Meeting.
- Review survey results from DRC members and evaluate current procedures.
- Identify projects that should be reviewed administratively.
- Work with DRC members and Planning Commission to revise the process.
- Review current overlay boundaries and determine if they should be expanded on or reduced.

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## **Spokane River Master Planning** *(CDA 2030 Action Item)*

*"Lakefront & Riverfront Public Access" (G&D 6.4) CDA 2030 Action Item*

The City Council adopted a Resolution in 2014 that directs staff to master plan the waterfront and ensures public access to the shoreline and public recreation.

Recommendation: Form an advisory committee comprised of city staff, Planning Commission and Parks & Recreation Commission members, property owner representatives, members of the Friends of the Spokane River ad-hoc group, development community, and other stakeholders to create a vision for the waterfront.

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## **\* Comprehensive Plan Update** *(CDA 2030 Action Item/Let's Move!)*

The City's Comprehensive Plan was adopted in 2007. While there is no mandatory timeline for updating a Comprehensive Plan, a review of the plan is recommended every 5 years. The majority of the Comprehensive Plan document is still relevant, but the document is due for a review and update to address population changes, incorporate the CDA 2030 community visioning effort, ensure that the plan addresses all of the components required by the state, and to update the subarea land use maps. The updated Comprehensive Plan will have a stronger emphasis on neighborhoods, housing, infill development, redevelopment, economic development, historic preservation, healthy living, community design, development of sensitive areas, and adopt new capital improvement plans and master plans by reference. Staff will also review best practices as outlined by the Idaho Chapter of the American Planning Association and Idaho Smart Growth as part of the comprehensive plan update.

There are 17 CDA 2030 action items that will be addressed to some degree in the Comprehensive Plan update, including: *"Comprehensive Plan Vision Integration" (G&D 6.1); "Infrastructure Master Plan" (G&D 6.3); "Mix of Housing Types" (C&I 3.1); "Low-Moderate Income Housing" (C&I 3.2); "Affordable Housing Development" (G&D 5.2); "Special Needs Housing in new developments" (H&S 6.3); "Special Housing Needs Provision" (H&S*

*6.4); "Local Neighborhoods" (C&I 5.6); "Neighborhood Grants" (C&I 5.7); "Neighborhood Business Promotion" (G&D 2.2); "City Heritage & Historical Building Commission" (C&I 6.3); "East Sherman Avenue Master Plan" (G&D 2.3); "Continued Enhancement of Downtown CDA" (G&D 3.1); "Vacant Buildings Redevelopment & Repurposing" (G&D 3.5); "Preserve View Corridors" (G&D 3.7); "Lakefront & Riverfront Public Access" (G&D 6.4); and "Open Space Requirements for new development" (G&D 6.5).*

Comprehensive Plan updates require a lot of public involvement and staff time. A major review and revision could be a significant undertaking. Many consulting firms charge upwards of \$150,000. If the general format and much of the content remains the same, this would save time, effort, and money for the city.

#### **Tiny House Homeless Community Forum** *(CDA 2030 Action Item)*

The City has received a request from Pathfinders to create a community for the homeless comprised of tiny homes.

CDA 2030 includes an action item related to homeless housing: *"Homeless Housing and Shelter Options" (H&S 6.1) - Develop increased housing and shelter options to better address the needs of the homeless community.*

#### **CDA 2030 ACTION ITEMS ASSIGNED TO THE PLANNING DEPARTMENT:**

##### **"Living Streets & Pop-Up Parks" (C&I 1.2) – *Initiated***

*(Adopt "living streets" and "pop-up parks" policies that facilitate development of temporary, short-term public spaces to accommodate street fairs, events and other community activities.)*

##### **"Mix of Housing Types" (C&I 3.1) – starting Summer/Fall 2017?**

*(Ensure that planning for new residential development within the City of Coeur d'Alene provides a mix of different types of housing, including affordable and low-moderate income housing.)*

\_\_\_\_\_ **“Low-Moderate Income Housing” (C&I 3.2)** – starting Summer/Fall 2017?

*(Adopt planning guidelines that encourage development of a percentage of low-moderate income housing within the City of Coeur d’Alene.)*

**N/A** \* **“Community Gardens” (C&I 3.4)** - *Initiated*

*(Identify sites for and develop community gardens to enable local production of fresh, healthy, affordable food for community members.)*

\_\_\_\_\_ **“Community & Neighborhood Events” (C&I 5.5)** – *Initiated*

*(Increase the number of community and neighborhood events, festivals, parades, farmers markets, community and neighborhood events, showcasing different areas of the city, its natural resources, diversity, local foods and other aspects of the community.)*

\_\_\_\_\_ **“Local Neighborhoods” (C&I 5.6)** – *Initiated*

*(Foster development of voluntary local neighborhoods citywide, through supportive zoning where appropriate, to create “live-work-play” districts with distinct identities (e.g., Midtown, Downtown Corridor, Atlas, Riverstone, E. Sherman, Appleway, Government Way, and Silver Lake Mall area).)*

\_\_\_\_\_ **“Neighborhood Grants” (C&I 5.7)** – starting Winter 2017/Spring 2018?

*(Develop and implement a city grant program for local neighborhoods to promote local activities, amenities, and identity.)*



\_\_\_\_\_ **“City Heritage & Historical Building Commission” (C&I 6.3)** – starting Winter 2017/Spring 2018?

*(Establish a volunteer city Heritage and Historical Buildings Commission to provide a resource for information and conservation.)*

\_\_\_\_\_ **“Neighborhood Business Promotion” (G&D 2.2)** – starting Winter 2017/Spring 2018?

*(Develop and promote a business incentive program to encourage appropriate local businesses to locate or move to specific neighborhoods, supporting local commerce and needed community services.)*

**N/A** \* **“East Sherman Avenue Master Plan” (G&D 2.3) - *Underway***

*(Develop and implement a master plan for redevelopment of the East Sherman Avenue neighborhood, incorporating an inviting gateway-style east entrance to the city.)*

\_\_\_\_\_ **“Continued Enhancement of Downtown CDA” (G&D 3.1) – *Initiated***

*(Support existing and new activities, planning and incentive programs for the continued enhancement and vitalization of the city center/downtown area.)*

\_\_\_\_\_ **“Vacant Buildings Redevelopment & Repurposing” (G&D 3.5)** – starting 2017/2018?

*(Encourage redevelopment and repurposing of vacant downtown structures via impact fee reductions, bonus densities, and zoning incentives.)*

\_\_\_\_\_ **“Outdoor Dining Areas” (G&D 3.6)** – starting 2017/2018?

*(Review and revise ordinances on outdoor dining areas to ensure safe sidewalks are maintained and to accommodate walkers, runners, bikers and outdoor dining.)*

\_\_\_\_\_ **“Preserve View Corridors” (G&D 3.7)** – starting 2017/2018?

*(Support zoning which would limit building heights in order to preserve major view corridors and signature vistas in and around the lakefront and river.)*

This effort would require public outreach and an amendment to the Downtown Development Regulations.

\_\_\_\_\_ **“Affordable Housing Development” (G&D 5.2)** – starting 2017/2018?

*(Promote affordable housing projects to meet city needs, creating a “win-win” with developers of affordable housing.)*

**N/A** \* **“Comprehensive Plan Vision Integration” (G&D 6.1)** – starting 2017/2018?

*(Revise and update the city’s comprehensive plan to reflect the CDA 2030 Vision, integrating specific action items in the 2030 Implementation Plan that are relevant to city planning. Publicize the plan’s commitment to the CDA 2030 Vision.)*

\_\_\_\_\_ **“Infrastructure Master Plan” (G&D 6.3)** – starting 2017/2018?

*(Develop an infrastructure master plan to ensure critical infrastructure (fiber optics, water, wastewater, stormwater, electrical and natural gas) needs are met for today and can be met tomorrow. Review requirements as part of development.)*

**N/A \* “Lakefront & Riverfront Public Access” (G&D 6.4) – Underway**

*(Require public access to the lake and river fronts for all new development.)*

**“Open Space Requirements for new development” (G&D 6.5) – no progress**

*(Review current requirements for open space in new developments and subdivisions (i.e., 4 acres for parks and open space/1,000 population) and reaffirm the city’s commitment to a specific requirement to help meet the needs of a growing Coeur d’Alene population.)*

The Parks & Recreation Department is addressing parkland per capita as part of Development Impact Fee Update.

Zoning Code amendments are in order to address the improvements and maintenance for parks in Planned Unit Development projects. A discussion about private versus public open space and whether there should be a requirement for parkland dedication for annexation requests and/or subdivisions. Involve Parks & Recreation staff and commission in discussions. Possible joint workshop with Planning Commission and Parks & Recreation Commission.

**“Special Needs Housing in new developments” (H&S 6.3) – no progress**

*(Encourage and incentivize developers to incorporate a percentage of special needs housing (e.g., Universal Design for elderly) in all new residential developments.)*

**“Special Housing Needs Provision” (H&S 6.4) – no progress**

*(Provide city incentives for projects that provide housing for people with special needs, such as moving these projects ahead of other residential projects in the plan review and permitting process.)*

\_\_\_\_\_ **“Economic Incentives” (J&E 4.2)** – starting 2017/2018?

*(Develop economic incentives to attract new businesses or encourage business startup and development activities.)*

\_\_\_\_\_ **“Business Opportunity Zones” (J&E 4.3)** – starting 2018?

*(Identify and publicize areas zoned for business; develop business opportunity areas and zones that support industry sector/cluster strategies.)*

## **WORKLOAD OVERVIEW**

In addition to the 32 projects identified on the previous pages, the information below is intended to help provide a more complete understanding of the ongoing assignments and work efforts undertaken by the Planning Department, many of which are mandated by the State as well as the Coeur d'Alene Municipal Code.

### **CURRENT PLANNING DEPARTMENT EFFORTS NOT INCLUDED IN VOTING BALLOT**

- **Planning Department Mandatory Assignments and Work Efforts**
  - Providing Customer Service Assistance related to planning items
  - Manage all requirements of the Planning and Design Review Commissions
  - Processing/presenting development requests to the Planning Commission & City Council (in compliance with all public hearing requirements)
  - Processing/presenting design review requests to the Design Review Commission (in compliance with all public hearing requirements)
  - Reviewing Building Permits related to planning items
  - Conducting Site Inspections for planning items
  - Preparing for and attending Project Review Meetings
  - Reviewing Final Development Plans for PUD projects
  - Reviewing Subdivision Improvement Plans
  - Preparing Annexation Agreements and Annexation Ordinances
  - Attending & facilitating weekly DRT (Development Review Team) Meeting (as well as coordinating meetings and process improvement)
  - GIS Mapping of planning data
  
- **Planning Department Annual Assignments**
  - Population Updates
  - Educational Workshops with Planning Commission / Training
  - Update Zoning Map
  
- **Planning Department Assignments Every 5 Years**
  - Census Updates / BAS 2017
  - Comprehensive Plan review

- **Planning Department Assignments Every 7-10 Years (or as needed)**

- Comprehensive Plan update and community involvement
- Update Zoning Code to reflect changes to Comprehensive Plan

- **Planning Department Assignments As Needed**

- Research
- Special Projects
- Code Amendments
- Updating Application Forms and Handouts
- Assisting other departments with public meetings
- Community outreach and education
- Coordination with other agencies and city departments
- Grant writing assistance

- **High Five Ambassador City focus on “Vibrant Youth” - *Underway***

City staff are currently working with CDA 2030, Let’s Move!, Panhandle Health District, CDA School District, Kootenai Health, Heritage Health, United Way, North Idaho Family Group, and other organizations focused on health to identify what we can do collectively to create more vibrant youth in the greater Coeur d’Alene community. Vibrant youth encompasses a broad range of issues related to disease prevention, active living, and healthy eating, community involvement, and education. The City and our community partners received assistance from Blue Cross of Idaho to have Spark! Consulting facilitate this short-term effort.

Upcoming Efforts:

- Interview key city stakeholders
- Participate in community meeting

- **CEEDS “Comprehensive Economic Development Strategy” for Region 1 -**

(beginning February 2017) – led by Panhandle Area Council – *Underway*

- **Coeur d’Alene School District Long-Range Planning Committee** – occasional participation in the school district’s long-range planning efforts.



## PROCESS IMPROVEMENT & CUSTOMER SERVICE

- Development Review Team Process Improvement – *Underway*

## INTERDEPARTMENTAL EFFORTS

- **Grant Writing assistance for RRFB grant with Rotary** (with Streets & Engineering) – *Underway*
- **Wireless Communication Ordinance** (with Legal and consultant) - *Underway*
- **Arts Ordinance & Policy update** (with administration and Arts Commission Chair) - *Underway*
- **Bike Share sponsorship assistance** - *Underway*
- **Traffic Calming Plan** (assist Streets & Engineering) - *Underway*
- **LED Street Lights** (in partnership with Streets & Engineering) – *Initiated*
  - Form a Task Force/Steering Committee and work with Avista, Garden District Neighborhood representatives, and other interested stakeholders to create a pilot project to test different LED street lights.
- **Complete Streets Ordinance** (with Engineering, Parks & Recreation, Legal, and the Ped/Bike Committee) – *Initiated*