

WELCOME
To a Regular Meeting of the
Coeur d'Alene City Council
Held in the Library Community Room: 702 E. Front Avenue at **6:00 P.M.**

AGENDA
VISION STATEMENT

Our vision of Coeur d'Alene is of a beautiful, safe city that promotes a high quality of life and sound economy through excellence in government.

The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Council on any other subject should plan to speak when **Item G - Public Comments** is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time.

October 3, 2023

A. CALL TO ORDER/ROLL CALL

B. INVOCATION: None Scheduled.

C. PLEDGE OF ALLEGIANCE

D. AMENDMENTS TO THE AGENDA: Any items added less than forty-eight (48) hours prior to the meeting are added by Council motion at this time. [Action Item.](#)

E. PRESENTATIONS

1. Recognition of Fay Sweney – 42 years of service

Presented by: Michael Priest, Library Director

F. ANNOUNCEMENTS

1. City Council
2. Mayor - Appointments – Iris Siegler to the Childcare Commission

G. PUBLIC COMMENTS: (Each speaker will be allowed a maximum of 3 minutes to address the City Council on matters that relate to City government business. Please be advised that the City Council can only take official action this evening for those items listed on the agenda.)

*****ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS**

H. CONSENT CALENDAR: Being considered routine by the City Council, these items will be enacted by one motion unless requested by a Councilmember that one or more items be removed for later discussion.

1. Approval of Council Minutes for the September 19, 2023, Council Meeting.
2. Setting of General Services/Public Works meeting for October 9, 2023.
3. Approval of Bills as Submitted.

I. OTHER BUSINESS:

1. **Resolution No 23-073**, Approval of a Contract with R&R Northwest, LLC. for the 3rd Street Mooring Dock Replacement Project.

Staff Report by: Monte McCully, City of Coeur d'Alene Trails Coordinator

2. **Resolution No 23-074**, Approving an Agreement with StanCraft Construction Group for the Streets and Engineering Building Remodel Project.

Staff Report by: Todd Feusier, Streets and Engineering Director

3. **Resolution No 23-075**, Approving the Sole Source Purchase of Seven (7) Police Vehicles from Chalmers Ford in New Mexico, in the Amount of \$365,470.00.

Staff Report by: Dave Hagar, Police Captain

J. PUBLIC HEARING:

Please sign up to testify at <https://www.cdavid.org/signinpublic/Signinformlist>

1. (Quasi-Judicial) Appeal of the Planning Commission Denial on August 8, 2023 of S-5-23; PUD-1-23; Kaufman Estates, Located at 2810 N. 17th Street.

Staff Report by: Tami Stroud, Associate Planner

K. ADJOURN:

This meeting is aired live on CDA TV Spectrum Cable Channel 1301, TDS Channel 5, and on Facebook live through the City's Facebook page.



Coeur d'Alene CITY COUNCIL MEETING

October 3, 2023

MEMBERS OF THE CITY COUNCIL:

Jim Hammond, Mayor

Council Members McEvers, English, Evans, Gookin, Miller, Wood

PRESENTATIONS

ANNOUNCEMENTS

Memo to Council

DATE: September 26, 2023

RE: Appointment to Boards/Commissions/Committees

The following appointment is presented for your consideration for the October 3, 2023, Council Meeting:

IRIS SIEGLER

Childcare Commission (Re-Appointment)

The data sheet has been placed by the inter-office mailboxes.

Sincerely,

Sherrie Badertscher
Executive Assistant

cc: Renata McLeod, City Clerk
Kelley Setter, Liaison to the Childcare Commission

CONSENT CALENDAR

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM

September 19, 2023

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room on September 19, 2023, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

Dan Gookin)	Members of Council Present
Dan English)	
Kiki Miller)	
Amy Evans)	
Christie Wood)	
Woody McEvers)	Member of Council Absent

CALL TO ORDER: Mayor Hammond called the meeting to order.

PLEDGE OF ALLEGIANCE: Councilmember Miller led the pledge of allegiance.

PRESENTATION: Safe Passage Director of Development and Communications Leslie Johnson introduced herself and Executive Director Amanda Krier. She said the mission of Safe Passage was to provide safety, education, and empowerment to victims of violence, and to the community. She said they were a non-profit agency serving North Idaho. She said Safe Passage's vision was to create a community that is free from violence. She noted their history had begun as a grass roots project which opened a Women's Rape Crisis Center in 1977, added a shelter in 1983, their Children's Counseling Center opened in 2000, the 4th Street location opened in 2005, the Women's Center was established in 2010 when they changed their name to North Idaho Violence Prevention Center. In 2012, they began their advocacy work with the Kootenai County Domestic Violence Court. She noted they received an award in 1997 for Outstanding Victim Service Agency. A few of the services provided included an emergency shelter (24/7), housing support, advocacy, prevention and outreach, children's advocacy center, hospital response for victims (24/7), supportive services (support groups and life skills classes), and resiliency services (clinical counseling which included equine therapy). She said they worked to empower by providing information on prevention. She said they make presentations to students on dating violence, provide information on green dot bystander intervention (observing and stepping in when witness to an unhealthy situation), host support groups at high schools and community organizations, make presentations and provide advocacy response at the local jail, community wide education and training, and provide outreach to private workplaces on sexual harassment prevention and response. She said October was National Domestic Violence Month and they would be holding their annual fundraiser. She mentioned they were currently working on national accreditation to grow their children's services. Additional information is available on their website at www.SafePassageID.org/About.

DISCUSSION: Mayor Hammond thanked Ms. Johnson for the presentation and the work Safe Passage was doing for the community. Councilmember Wood said she had spent many years investigating domestic violence, and other related crimes, and noted the community would be surprised at how many cases there were. She said the services provided by Safe Passages were essential and thanked Ms. Johnson for the work they do. Councilmember Wood asked if there were adequate resources in place to maintain their shelters, with Ms. Johnson responding there were.

PUBLIC COMMENTS:

Roger Smith, Coeur d'Alene, said the central downtown area had a large problem with traffic noise which needed to be addressed. He mentioned some residents and business owners had fled the area due to the traffic noise issue. He said 8th Street was a racetrack on weekends and part of the problem was light enforcement of the current noise ordinance. He said the City of Boise, Idaho, had enacted a stronger noise ordinance, had heard Coeur d'Alene was currently working on an updated ordinance, and asked Council to support the new noise ordinance once it was completed. He mentioned educational outreach, stiffer fines, and a greater police presence would be helpful.

Councilmember Wood noted she had recently attended a meeting with the Police Department on the noise issue, and there had been a fair number of citations written within the last month. She said the Police Department also deployed a Downtown Taskforce during the summer months.

ANNOUNCEMENTS: Mayor Hammond said he had been invited to attend a Board of County Commissioners meeting on Impact Fees being held on October 4, 2023, at 10:00 a.m. He mentioned he would be out of town and if any of Council would like to attend on his behalf to please contact his Executive Assistant Sherrie Badertscher for additional information.

CONSENT CALENDAR:

1. Approval of Council Minutes for the September 5, 2023, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the September 11, 2023, Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Approval of **Resolution No. 23-069** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: CHANGE ORDER #001 WITH LARIVIERE, INC., FOR THE C-2 SEWER LINE PROJECT IN THE AMOUNT OF \$95,467.25; AND CONTRACT WITH THORCO, INC., FOR INSTALLATION OF CONDUIT AND FIBER TO ATLAS WATERFRONT PARK IN THE AMOUNT OF \$85,793.00.

MOTION: Motion by Gookin, seconded by English, to approve the Consent Calendar as presented, including **Resolution No. 23-069**.

ROLL CALL: Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye. **Motion carried.**

RESOLUTION NO. 23-070

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING CITY OF COEUR D'ALENE PERSONNEL RULE 26: APPOINTED OFFICERS AND DEPARTMENT HEADS, AND RULE 27: FLSA EXEMPT EMPLOYEES

STAFF REPORT: Human Resources Director Melissa Tosi said in 2004, the vacation accruals for department heads were established in a new Personnel Rule which was specific to only Department Heads. She noted the vacation accruals were extended over fifteen years before the employee would reach the maximum of twenty hours per month. She said that over the years through collective bargaining with the other employee groups, the City's negotiation team had attempted to extend the other groups' vacation accruals from reaching the current maximum of ten years to the same fifteen-year accrual, however, they had not been successful. She mentioned vacation accruals were a key recruiting tool, and for equity with other employees, the proposal was to match Department Head accruals with the rest of the City's forty-hour employees.

Ms. Tosi said for both Department Heads and FLSA exempt employees, the benefit for their Sick Leave Option 1/sick leave repurchase would remain the same. However, instead of receiving a taxed check for the benefit, the payment would be distributed directly into their HRA VEBA account. She noted employees in the Lake City Employee's Association (LCEA) also had their sick leave repurchase contributions placed into their HRA VEBA account. She said she had polled Department Heads on the item and they were unanimous with preferring the HRA VEBA payment method. Of the remaining FLSA exempt employees, 87% preferred the HRA VEBA contribution versus 13% which preferred keeping the taxed check option.

She said the proposed change to the cost-of-living increase for Department Heads and FLSA exempt employees would be based on the budget process and what was approved by Council instead of listing an actual percentage which may require a change to the Rules on an annual basis. She noted Council's policy had been to approve the same cost-of-living increase to exempt employees as negotiated with LCEA in order to keep the overall general employee pay schedule whole (pay grades 1-22). Additionally, with the new bi-weekly pay schedule, cost-of-living increases would occur at the beginning of the pay period that included October 1.

Ms. Tosi said the proposed amendments to the Personnel Rules had been discussed by the Executive Team and posted for all employees to review.

DISCUSSION: Councilmember Gookin asked who would make the Department Head COLA presentation to Council and how would the proposal be determined, with Ms. Tosi responding the COLA would follow what was negotiated for LCEA and would be included in the budget for Council's approval. Councilmember Gookin noted Department Directors accrued 6-weeks of vacation leave each year, asked how vacation leave was managed when a Director was out for 6-weeks, and was there a cap. Ms. Tosi explained it required planning, the City Administrator had

the authority to approve or deny Department Director's leave, and there was a use-it or lose-it aspect which triggered each October 1. Councilmember Wood said she agreed with aligning vacation time with other groups, however, she had concerns with a possible conflict of interest as COLAs were negotiated by the City Administrator, City Attorney, and Human Resources Director who would receive the same COLA as negotiated with the bargaining group. Ms. Tosi mentioned the Rule language on COLAs was amended to include approval by Council during the budget process which gave Council the option of adjusting it. Councilmember English said he didn't find any conflict with following LCEA's COLAs for Department Heads, and mentioned it was reasonable to have the COLAs effective during the pay period which included October 1.

MOTION: Motion by Gookin, seconded by Evans, to approve the **Resolution No. 23-070**, approving Amendments to Personnel Rule 26, Appointed Officers and Department Heads, Section 5, Benefits: Vacation Accrual and Compensation for Sick Leave, and Personnel Rule 27, FLSA Exempt Employees, Section 5, Benefits: Maximum Sick Leave Accrual and Cost of Living Increases.

ROLL CALL: Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye. **Motion carried.**

RESOLUTION NO. 23-071

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, DECLARING THAT REAL PROPERTY OWNED BY THE CITY AND ABUTTING 355 E. NEIDER AVENUE, COEUR D'ALENE, IDAHO, IS UNDERUTILIZED AND THAT THE CITY'S FEE INTEREST IN THE PROPERTY SHOULD BE EXCHANGED FOR A PERPETUAL EASEMENT IN THE PROPERTY, TOGETHER WITH A CASH PAYMENT; SETTING THE VALUE OF THE FEE INTEREST IN THE PROPERTY AT THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00); AND SETTING A PUBLIC HEARING ON THE INTENT TO EXCHANGE REAL PROPERTY

STAFF REPORT: City Attorney Randy Adams said there was a small area, roughly triangular in shape, lying between the two entrances to the Costco Wholesale Corporation (Costco) parking lot on E. Neider Avenue. He said it was owned by the City, having been platted with the Carlsen Tracts in September 2003. He mentioned the property was used solely as a swale to collect stormwater from E. Neider Avenue and the Costco lot. He said Costco used the swale pursuant to a lease agreement with the City which was entered into on September 19, 2003, and had a term of twenty (20) years. He mentioned the parties originally contemplated an eventual exchange of property so that Costco would own the area. However, an exchange of real property for real property could not be accomplished because Costco could not obtain acceptable property to exchange. He said in 2022, Costco approached the City about acquiring ownership of the area as the lease was due to expire in September 2023. The City determined that Costco's acquisition of the area would assist it in the acquisition of the real property needed for the Police Department expansion. An appraisal was obtained by Costco in January 2023, and determined the value of the area to be \$30,000.00. He explained that pursuant to Idaho Code § 50-1402, when a city desires to exchange real property, Council must first declare the value or minimum price it intends to receive. He mentioned the City would maintain a perpetual easement for the stormwater swale on the property. He noted an appraisal was not required, yet one had been obtained. He requested the Council declare the value or minimum price on the record, and that the City Clerk publish a

summary of the action taken by Council and set a public hearing at least 14-days later. He noted that after the public hearing, Council may then exchange the property.

DISCUSSION: Councilmember English noted the active use was for stormwater drainage. Councilmember Evans asked the amount of the current lease, with Mr. Tymesen responding \$300 per year. Councilmember Evans asked if there was there an opportunity to generate a new lease with increased revenue, with Mr. Adams responding they had not had that discussion. Councilmember Miller asked if once the land was sold would the \$30,000 go into the City's General Fund or Utility Fund, with Mr. Tymesen responding it would go into the General Fund. Councilmember Wood asked if after the transfer Costco decided on a different use for the property would it come back to the Council, with Mr. Adams responding any use change would require Council approval.

MOTION: Motion by Gookin, seconded by English, to approve the **Resolution No. 23-071**, declaring that \$30,000.00 is the value of real property owned by the City for purposes of an exchange with Costco Wholesale Corporation and set a public hearing for October 17, 2023.

ROLL CALL: English Aye; Wood Aye; Evans Aye; Miller Aye; Gookin Aye. **Motion carried.**

RESOLUTION NO. 23-072

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE DONATION TO THE CITY'S PUBLIC ART COLLECTION OF THE FOLLOWING ARTWORK: "UNRESTRAINED FORCE" BY BREEZY ANDERSON

STAFF REPORT: City Accountant Stephanie Padilla said the Arts Commission had recently been approached regarding the donation of a public art piece entitled "**Unrestrained Force**," which was a 90"x36"x36" mild steel statue by artist Breezy Anderson, valued at \$14,000. She said the Arts Commission reviewed the proposed donation and recommended that it be accepted into the City of Coeur d'Alene's public art collection. She mentioned there was no cost to the City other than routine maintenance.

DISCUSSION: Councilmember Gookin said there had been issues brought to Council with public art in the past, and asked if there had been any complaints on the current art piece, with Ms. Padilla responding there had been one member of the public who had voiced concerns over two years ago and that the City had not received any complaints in the two-years the piece had been on display as part of the ArtCurrents program. Councilmember Gookin asked if it could be placed outside of the downtown area, with Ms. Padilla responding it could be placed anywhere in the City. Councilmember English noted the Midtown area may be an option. Councilmember Wood noted it was a nice gift from the artist and asked what the process was of offering a thank you, with Ms. Padilla responding there would be correspondence with the artist which included a thank you. Councilmember Wood noted Council would like to sign the thank you as well.

MOTION: Motion by English, seconded by Miller, to approve the **Resolution No. 23-072**, approving the donation of an art piece entitled "Unrestrained Force" by artist Breezy Anderson to the City of Coeur d'Alene's public art collection.

ROLL CALL: Wood Aye; Evans Aye; Miller Aye; Gookin Aye; English Aye. **Motion carried.**

LEGISLATIVE – FISCAL YEAR 2022-2023 ANNUAL APPROPRIATIONS ORDINANCE AMENDMENT FOR FISCAL YEAR BEGINNING OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2023

STAFF REPORT: City Accountant Stephanie Padilla said that Council amends the original appropriations ordinance annually for unanticipated expenditures. She noted the current amendment was for the Fiscal Year 2022-23 Budget in the amount of \$6,565,144.00. She explained that Idaho code allowed the City to amend the appropriations ordinance at any time during the fiscal year to reflect the receipt of revenues and/or the expenditure of funds that were unanticipated when the ordinance was adopted. She noted the amendment showed increases in expenditures due to carryovers of projects, State and Federal grants received, additional funding received from Kootenai County Emergency Medical Services System (KCEMSS) and miscellaneous additional items. She said additional funds to cover the increased expenses in the General Fund consisted of \$186,699.00 of unanticipated revenues, \$303,851.00 transferred from Impact Fees, and \$3,060,197.00 from designated Fund Balance. She noted the majority of the designated Fund Balance amendment was for the Police Department Headquarters Expansion Project's land purchase, overlay funds carried over from the previous fiscal year, highway user funds, and a carryover for the purchase of a dump truck in the Streets Department. She noted \$30,000 was used to pay for vandalism throughout the City's parks.

Mayor Hammond opened the public testimony portion of the hearing and hearing none, closed public testimony.

COUNCIL BILL NO. 23-1009

AN ORDINANCE AMENDING ORDINANCE 3707, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, APPROPRIATING THE SUM OF ~~\$123,852,624~~ \$130,417,768, WHICH SUM INCLUDES ADDITIONAL MONIES RECEIVED BY THE CITY OF COEUR D'ALENE IN THE SUM OF \$6,565,144; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE HEREOF

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene, Kootenai County, Idaho:

Section 1

That Section 1 of Ordinance 3707, Ordinance of the City of Coeur d'Alene, be and the same is hereby amended to read as follows:

That the sum of ~~\$123,852,624~~ \$130,417,768, be and the same is hereby appropriated to defray the necessary expenses and liabilities of the City of Coeur d'Alene, Kootenai County, Idaho, for the fiscal year beginning October 1, 2022.

Section 2

That Section 2 of Ordinance 3707; Ordinances of the City of Coeur d’Alene be and the same is hereby amended to read as follows:

That the objects and purposes for which such appropriations are made are as follows:

	FY 2022-23 BUDGET	FY 2022-23 AMENDED BUDGET
GENERAL FUND EXPENDITURES:		
Mayor and Council	\$259,163	\$259,163
Administration	320,486	320,486
Finance Department	1,398,397	1,398,397
Municipal Services	3,000,885	3,039,035
Human Resources	452,421	452,421
Legal Department	1,361,438	1,361,438
Planning Department	759,266	769,266
Building Maintenance	694,637	694,637
Police Department	22,112,121	23,435,421
Fire Department	13,325,161	13,660,161

General Government	626,300	1,981,300
Streets and Engineering	7,858,838	8,301,735
Parks Department	3,041,376	3,071,376
Recreation Department	815,215	815,215
Building Inspection	1,123,236	1,139,636
TOTAL GENERAL FUND EXPENDITURES:	<u>\$57,148,940</u>	<u>\$60,699,687</u>

	FY 2022-23 BUDGET	FY 2022-23 AMENDED BUDGET
SPECIAL REVENUE FUND EXPENDITURES:		
Library Fund	\$1,948,445	\$1,998,445
Community Development Block Grant	780,243	780,243
Impact Fee Fund	554,446	858,297
Parks Capital Improvements	463,614	1,163,614
Annexation Fee Fund	355,000	355,000
Cemetery Fund	363,711	363,711
Cemetery Perpetual Care Fund	86,000	86,000
Jewett House	139,700	230,710
Reforestation/Street Trees/Community Canopy	120,000	120,000
Public Art Funds	468,500	468,500
TOTAL SPECIAL FUNDS:	<u>\$5,279,659</u>	<u>\$6,424,520</u>

ENTERPRISE FUND EXPENDITURES:		
Street Lighting Fund	\$760,130	\$760,130
Water Fund	14,326,675	14,326,675
Wastewater Fund	23,738,871	23,919,407
Wastewater Property Management		30,000
Water Cap Fee Fund	3,850,000	3,850,000
WWTP Cap Fees Fund	2,777,660	2,777,660
Sanitation Fund	5,520,365	5,520,365
City Parking Fund	1,864,965	1,864,965
Drainage	2,504,858	2,504,858
TOTAL ENTERPRISE EXPENDITURES:	<u>\$55,343,524</u>	<u>\$55,554,060</u>

FIDUCIARY FUNDS:	\$3,492,454	\$3,492,454
CAPITAL PROJECTS FUNDS:	1,707,964	3,366,964
DEBT SERVICE FUNDS:	880,083	880,083
GRAND TOTAL OF ALL EXPENDITURES:	<u>\$123,852,624</u>	<u>\$130,417,768</u>

Section 3

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation published within the City of Coeur d'Alene and the official newspaper thereof.

MOTION: Motion by Miller, seconded by Evans, to dispense with the rule and read **Council Bill No. 23-1009** once by title only.

ROLL CALL: Evans Aye; Miller Aye; Gookin Aye; English Aye; Wood Aye.
Motion carried.

MOTION: Motion by Miller, seconded by Evans, to adopt **Council Bill 23-1009**.

ROLL CALL: Evans Aye; Miller Aye; Gookin Aye; English Aye; Wood Aye.
Motion carried.

(LEGISLATIVE) V-23-01 – VACATION OF A PORTION OF N. 4TH STREET RIGHT-OF-WAY ADJOINING THE WESTERLY BOUNDARY OF LOTS 15-16, BLOCK 44 OF THE AMENDED PLAT OF SIMMS ADDITION TO THE CITY OF COEUR D'ALENE

STAFF REPORT: Engineering Project Manager Dennis Grant said the applicant, George Lawrence IV, on behalf of property owner John Esco, requested the vacation of a portion of N. 4th Street right-of-way that adjoins the westerly boundary of the property on the southeast corner of 4th Street and Locust Avenue (1830 N. 4th Street). He said the right-of-way was originally dedicated to the City of Coeur d'Alene (City) in the Amended Plat of Simms Addition in 1905. He said the vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 1090 square feet to the Kootenai County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue, and to the land owner whose lot adjoins the strip of usable property. He mentioned the request was to vacate a 10' foot strip of 4th Street right-of-way that adjoins the westerly boundary of the abutting property. He said 4th Street was developed to its ultimate width in the location and the additional right-of-way could be incorporated into the development of the adjoining property. In addition, the right-of-way width to the north of the property was narrower, preventing future widening without acquisition of additional right-of-way. The right-of-way to the south of the proposed vacation, on the existing block, was vacated in November of 2020. All utilities were existing and in place, and there was no foreseeable use for the additional right-of-way. He said the Development Review Team was informed about the vacation and he had sent out 38 notices and received one response back which was in favor of the vacation. He requested the Council approve the vacation action per Idaho Code Section 50-1306, and vacate the property to the applicant, George Lawrence IV on behalf of the property owner John Esco.

Mayor Hammond opened the public testimony portion of the hearing and hearing none, closed public testimony.

DISCUSSION: Councilmember Gookin asked if the vacated property involved the sidewalk, with Mr. Grant responding it did not.

COUNCIL BILL NO. 23-1010

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF THE N. 4TH STREET RIGHT-OF-WAY IN THE AMENDED PLAT OF SIMMS ADDITION, RECORDED IN BOOK B OF PLATS ON PAGE 57 RECORDED AS PLAT NUMBER 57, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, IDAHO, GENERALLY DESCRIBED AS THAT TEN FOOT (10') STRIP ADJOINING THE WESTERLY BOUNDARY OF LOTS 15-16, BLOCK 44 OF SAID PLAT COMMONLY KNOWN AS 1830 N. 4TH STREET; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF

MOTION: Motion by Wood, seconded by Miller, to dispense with the rule and read **Council Bill No. 23-1010** once by title only.

ROLL CALL: Miller Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye. **Motion carried.**

MOTION: Motion by Wood, seconded by Miller, to adopt **Council Bill No. 23-1010**.

ROLL CALL: Miller Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye. **Motion carried.**

RECESS: Motion by Miller, seconded by Evans, to Recess to September 25, 2023, at 12:00 Noon in the Library Community Room, Located at 702 E. Front Avenue for a Joint City Council and Planning Commission Workshop Regarding Impact Fees. **Motion carried.**

The meeting adjourned at 7:04 p.m.

ATTEST:

James Hammond, Mayor

Sherrie L. Badertscher
Executive Assistant

OTHER BUSINESS

**CITY COUNCIL
STAFF REPORT**

DATE: 10/3/2023

FROM: MONTE MCCULLY, CITY OF COEUR D'ALENE TRAILS
COORDINATOR

SUBJECT: 3RD STREET MOORING DOCK BID CONTRACT AWARD (***ACTION
REQUIRED***)

DECISION POINT: Should Council accept the bid of, and award a contract to, R&R Northwest LLC for the 3rd Street Mooring Dock Replacement Project.

HISTORY: In 1999/2000, the Parks Department received a grant to build mooring docks at 3rd Street. Over the next 20 years, the docks were heavily used by the boating public. They are made of wood and had only a limited life span. Last year, the Parks Department applied for a Waterfront Improvement Grant through the Idaho Department of Parks and Recreation and it was awarded this year.

FINANCIAL ANALYSIS: The original estimate to rebuild the docks was \$511,500, with the City committed to paying a 32% match. The project went out to bid and R&R Northwest LLC was the lowest bidder at \$483,823.75. The City's match at 32% would be \$154,823.60.

The funds for the 3rd Street Mooring Dock Replacement Project will come from the following sources:

State WIF Grant Funds	\$329,000.15
Parks Department WIF	<u>\$154,823.60</u>
Total:	\$483,823.75

PERFORMANCE ANALYSIS: Accepting this bid will allow the City to rebuild the 3rd Street Mooring Docks with better materials that will provide the boating public with a safer and longer lasting dock at 3rd Street.

DECISION POINT/ RECOMMENDATION: Council should accept the bid of, and award a contract to, R&R Northwest LLC for the 3rd Street Mooring Dock Replacement Project.

RESOLUTION NO. 23-073

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF, AND AWARDING THE CONTRACT TO, R&R NORTHWEST LLC, FOR THE 3RD STREET MOORING DOCK REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$483,823.75.

WHEREAS, the City heretofore duly advertised an invitation for bids for the 3rd Street Mooring Dock Replacement project in Coeur d'Alene, Idaho, and said bids were opened as provided in said advertisement in the office of the City Clerk on Wednesday, the 9th day of August, 2023, and the lowest responsive bid received was that of R&R Northwest LLC, in the amount of Four Hundred Eighty-Three Thousand Eight Hundred Twenty-Three and 75/100's Dollars (\$483,823.75), and it is in the best interests of the City of Coeur d'Alene and the citizens thereof that said bid be accepted and the contract awarded.

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the bid of R&R Northwest LLC, be and the same is hereby accepted.

BE IT FURTHER RESOLVED that the City enter into a contract with R&R Northwest LLC in substantially the form attached hereto as Exhibit "A" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said contract provided that the substantive provisions of the contract remain intact.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized to execute such contact on behalf of the City.

DATED this 3rd day of October, 2023

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER ENGLISH Voted

COUNCIL MEMBER MILLER Voted

COUNCIL MEMBER GOOKIN Voted

COUNCIL MEMBER EVANS Voted

COUNCIL MEMBER MCEVERS Voted

COUNCIL MEMBER WOOD Voted

_____ was absent. Motion _____.

PUBLIC WORKS CONSTRUCTION CONTRACT
for
3RD STREET MOORING DOCK REPLACEMENT PROJECT

THIS CONTRACT is made and entered into this 3rd day of October, 2023, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Idaho, hereinafter referred to as “the **CITY**,” and **R&R NORTHWEST LLC**, a corporation duly organized and existing under and by virtue of the laws of the state of Idaho, with its principal place of business at 1857 W. Hayden Ave., #102, Hayden, Idaho, hereinafter referred to as “**CONTRACTOR**.”

W I T N E S S E T H:

WHEREAS, after complying with State purchasing laws and the **CITY**'s Purchasing Policy, **CONTRACTOR** was determined to be the lowest responsible bidder; and

WHEREAS, it was deemed to be in the best interests of the **CITY** to accept the lowest responsible bid; and

WHEREAS, **CONTRACTOR** has been awarded the Contract for the 3rd Street Mooring Dock Replacement Project, hereinafter referred to as the “Work,” according to the Contract Documents described below and on file in the office of the City Clerk of the **CITY**, which Contract Documents are incorporated herein by reference.

NOW, THEREFORE,

IT IS AGREED that, for and in consideration of the covenants and agreements made and to be performed by the **CITY** as set forth herein, **CONTRACTOR** shall complete the Work, furnishing all labor and materials therefor according to the Contract Documents. All material shall be of the high standard required by the Contract Documents and approved by the **CITY**, and all labor performed shall be of first-class workmanship.

CONTRACTOR agrees to receive and accept as full compensation for furnishing all labor and materials for the Work, a lump sum of Four Hundred Eighty-three Thousand Eight Hundred Twenty-three and 75/100 Dollars (\$483,823.75).

A request for a progress payment must be submitted by the 10th of the month for work done in the previous calendar month. Payment shall be made by the end of that calendar month on a duly certified estimate of the work completed in the previous calendar month less five percent (5%) retainage. Final payment shall be made within thirty (30) days after completion of all work and acceptance by the City Council, provided that **CONTRACTOR** has obtained from the Idaho State Tax Commission and submitted to the **CITY** a release of liability for taxes (Form 10-248-79).

Work shall commence upon receipt of the Notice to Proceed and shall be completed no later than May 24, 2024.

CONTRACTOR acknowledges that time is of the essence in this Contract and the failure of **CONTRACTOR** to complete the Work within the time allowed shall result in damages being sustained by the **CITY**. Such damages are, and will continue to be, impractical and extremely difficult to determine. Therefore, in the event **CONTRACTOR** shall fail to complete the Work within the Contract Time, **CONTRACTOR** shall pay to the **CITY**, or the **CITY** may withhold from monies due **CONTRACTOR**, liquidated damages at the rate of Five-hundred and No/100 Dollars (\$500.00) per calendar day, which sums shall not be construed as a penalty.

CONTRACTOR shall indemnify, defend, and hold the **CITY** harmless from any and all claims arising from **CONTRACTOR**'s actions or omissions in performance of this Contract, including the actions and omissions of **CONTRACTOR**'s employees, representatives, agents, and subcontractors. In addition, **CONTRACTOR** shall maintain liability insurance naming the **CITY** as an additional insured, and not merely a "certificate holder," in the amount of at least Five Hundred Thousand Dollars (\$500,000.00) for property damage or for bodily or personal injury, death, or loss as a result of any one occurrence or accident. It is the **CITY**'s intent, and **CONTRACTOR**'s agreement, that **CONTRACTOR**'s liability insurance shall have limits of not less than those provided for by Idaho Code § 6-924. A certificate of insurance shall further provide at least thirty (30) days' written notice to the **CITY** prior to cancellation of the policy.

CONTRACTOR agrees to maintain Worker's Compensation coverage on all employees, including the employees of subcontractors, during the term of this Contract as required by Title 72, Idaho Code. In addition to a certificate of insurance, **CONTRACTOR** shall furnish to the **CITY**, prior to commencement of the work, such evidence as the **CITY** may require guaranteeing contributions which will come due under the Employment Security Law including, at the option of the **CITY**, a surety bond in an amount sufficient to make such payments. Should **CONTRACTOR** fail to maintain the required Worker's Compensation insurance during the entire term hereof, **CONTRACTOR** shall indemnify the **CITY** against any loss resulting to the **CITY** from such failure, either by way of compensation or additional premium liability.

Certificates of all insurance required by this Contract shall be filed with the City Clerk.

Pursuant to Idaho Code § 44-1002, ninety-five percent (95%) of the employees engaged by **CONTRACTOR** for the Work shall be bona fide Idaho residents; PROVIDED, where fifty (50) or fewer persons are employed by **CONTRACTOR** for the Work, up to ten percent (10%) may be nonresidents of Idaho; PROVIDED FURTHER, in all cases **CONTRACTOR** shall give preference to the employment of bona fide Idaho residents in the performance of the Work.

In consideration of the award of this Contract to **CONTRACTOR**, and in recognition that the business in which **CONTRACTOR** is engaged is of a transitory character and that **CONTRACTOR**'s property may be outside the state of Idaho when taxes, excises or license fees to which **CONTRACTOR** is liable become payable, **CONTRACTOR** further agrees:

1. To pay promptly when due all taxes (other than on real property), excises and license fees due to the State of Idaho, its subdivisions, and municipal and quasi-municipal corporations therein, accrued or accruing during the term of this Contract, whether or not the same shall be payable at the end of such term; and
2. That, if the said taxes, excises and license fees are not payable at the end of said term but liability for said payment thereof exists, even though the same may constitute a lien upon **CONTRACTOR**'s property, **CONTRACTOR** shall secure the same to the satisfaction of the officers charged with the collection thereof; and
3. That, in the event of a default in the payment or securing of such taxes, excises and license fees, **CONTRACTOR** consents that the **CITY** may withhold from any payment due **CONTRACTOR** hereunder the estimated amount of such accrued and accruing taxes, excises and license fees for the benefit of all taxing units to which said **CONTRACTOR** may be liable.

CONTRACTOR further agrees to comply will all the requirements of **Attachment 1**, which is incorporated herein by reference.

Pursuant to Idaho Code § 67-2359, **CONTRACTOR** certifies that it is not currently owned or operated by the government of the People's Republic of China and will not, for the duration of this Contract, be owned or operated by the government of People's Republic of China.

Pursuant to Idaho Code § 67-2346, **CONTRACTOR** certifies that it is not currently engaged in, and will not for the duration of the contract engage in, a boycott of goods or services from Israel or territories under its control.

For the faithful performance of this contract in accordance with the contract documents and payment for all labor and materials, **CONTRACTOR** shall execute good and sufficient performance bond and payment bond in a form acceptable to the City Attorney each in the amount of one hundred percent (100%) of the total amount of the bid as hereinbefore stated, said bonds to be executed by a surety company authorized to do business in the state of Idaho.

The term "CONTRACT DOCUMENTS" means and includes the following:

- A) Advertisement for Bids
- B) Information for Bidders
- C) Bid Proposal
- D) Bid Bond
- E) Bidding Forms as Required
- F) Contract
- G) Labor and Materials Payment Bond
- H) Performance Bond
- I) Notice of Award

- J) Notice to Proceed
- K) Change Order
- L) General Conditions
- M) Technical Specifications
- N) Special Provisions
- O) Plans
- P) Addenda
 - No. 1, dated July 12, 2023
 - No. 2, dated July 20, 2023
 - No. 3, dated July 20, 2023
 - No. 4, dated July 27, 2023
 - No. 5, dated July 31, 2023

THIS contract, with all of its forms, specifications and stipulations, shall be binding upon the parties hereto, their successors and assigns. However, CONTRACTOR shall not assign this contract, or any part thereof, without the prior written consent of the CITY.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this contract on behalf of said CITY, and the CONTRACTOR has caused the same to be signed by its President, the day and year first above written.

CITY OF COEUR D'ALENE

R&R NORTHWEST LLC

By _____
James Hammond, Mayor

By: _____
_____(printed name)
_____(title)

ATTEST:

Renata McLeod, City Clerk

Attachment 1

This Attachment is to be inserted in every contract subject to Title VI of the Civil Rights Act of 1964 and associated Regulations.

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. Compliance with Regulations

The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Sub-contracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to ITD or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance

In the event of the contractor’s non-compliance with the non-discrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- Cancellation, termination, or suspension of the contract, in whole or in part.

Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request ITD enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

**CITY COUNCIL
STAFF REPORT**

DATE: OCTOBER 3, 2023

FROM: TODD FEUSIER – STREETS & ENGINEERING DIRECTOR

**SUBJECT: AWARD OF CONTRACT TO STANRAFT CONSTRUCTION GROUP FOR
THE STREETS & ENGINEERING BUILDING REMODEL**

=====

DECISION POINT: Should Council accept the low bid of, and award a contract to StanCraft Construction Group for the Streets & Engineering Building Remodel Project in the amount of \$1,036,987.00?

HISTORY:

Council has previously approved the Streets & Engineering Building Remodel Project. The project was placed out for bids, advertisements ran in the CDA Press on August 17, 2023, and August 24, 2023. Bid openings took place on September 21, 2023, with two (2) responding bids:

- StanCraft Construction Group: \$1,036,987.00
- TW Clark Construction LLC : \$1,118,400.00

FINANCIAL ANALYSIS:

The total funding requested for this project is \$1,036,987.00 for the StanCraft Construction Group bid including all add alternates. The 2023-24 budget included \$1,000,000.00 for this project, with \$600,000.00 from the American Rescue Plan Act (ARPA) funds, and \$400,000.00 from the General Fund's Fund Balance. An additional \$36,987.00 will be allocated to this project from cost savings of a dump truck the Streets Department purchased with ARPA funds which came in under budget.

PERFORMANCE ANALYSIS:

Approval of this agreement will allow the City to proceed with the remodel project which includes offices, meeting rooms, restrooms, and similar related support spaces for the Streets & Engineering Department's relocation to the renovated areas of the Maintenance Building. The improvements are for the purpose of bringing the building into compliance with current life-safety code requirements for the planned occupancy.

DECISION POINT/RECOMMENDATION: Council should accept the low bid and award a contract to StanCraft Construction Group for the Streets & Engineering Department Remodel Project, in the amount of \$1,036,987.00.

RESOLUTION NO. 23-074

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF, AND AWARDING THE CONTRACT TO, STANCRAFT CONSTRUCTION GROUP FOR THE STREETS & ENGINEERING DEPARTMENT BUILDING RENOVATION IN AN AMOUNT NOT TO EXCEED \$1,036,987.00.

WHEREAS, the City heretofore duly advertised invitation for bids for the Streets & Engineering Department Building Renovation in Coeur d'Alene, Idaho, and said bids were opened as provided in said advertisement in the office of the City Clerk on Thursday, the 21st day of September, 2023, and the lowest responsive bid received was that of StanCraft Construction Group in the amount of One Million Thirty-six Thousand Nine Hundred Eighty-seven and no/100 Dollars (\$1,036,987.00), and it is in the best interests of the City of Coeur d'Alene and the citizens thereof that said bid be accepted.

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the bid of StanCraft Construction Group, in an amount not to exceed \$\$1,036,987.00, for the Streets & Engineering Department Building Renovation be and the same is hereby accepted.

BE IT FURTHER RESOLVED that the City enter into a contract with StanCraft Construction Group in substantially the form attached hereto as Exhibit "A" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said contract provided that the substantive provisions of the contract remain intact.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized to execute such contact on behalf of the City.

DATED this 3rd day of October, 2023.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER ENGLISH Voted

COUNCIL MEMBER MILLER Voted

COUNCIL MEMBER GOOKIN Voted

COUNCIL MEMBER EVANS Voted

COUNCIL MEMBER MCEVERS Voted

COUNCIL MEMBER WOOD Voted

_____ was absent. Motion _____.

PUBLIC WORKS CONSTRUCTION CONTRACT
for
2023/2024 STREETS & ENGINEERING BUILDING REMODEL PROJECT

THIS CONTRACT is made and entered into this 3rd day of October, 2023, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Idaho, hereinafter referred to as “the **CITY**,” and **STANCRAFT CONSTRUCTION GROUP**, a corporation duly organized and existing under and by virtue of the laws of the state of Idaho, with its principal place of business at 2936 W. Dakota Avenue, Hayden, Idaho, hereinafter referred to as “**CONTRACTOR**.”

W I T N E S S E T H:

WHEREAS, after complying with State purchasing laws and the **CITY**'s Purchasing Policy, **CONTRACTOR** was determined to be the lowest responsible bidder; and

WHEREAS, it was deemed to be in the best interests of the **CITY** to accept the lowest responsible bid; and

WHEREAS, **CONTRACTOR** has been awarded the Contract for the 2023/2024 Streets & Engineering Building Remodel Project, hereinafter referred to as the “Work,” according to the Contract Documents described below and on file in the office of the City Clerk of the **CITY**, which Contract Documents are incorporated herein by reference.

NOW, THEREFORE,

IT IS AGREED that, for and in consideration of the covenants and agreements made and to be performed by the **CITY** as set forth herein, **CONTRACTOR** shall complete the Work, furnishing all labor and materials therefor according to the Contract Documents. All material shall be of the high standard required by the Contract Documents and approved by the **CITY**, and all labor performed shall be of first-class workmanship.

CONTRACTOR agrees to receive and accept, as full compensation for furnishing all labor and materials for the Work, an amount equal to the sum of the total for the items list in the Bid Schedule. The total for each item in the Bid Schedule shall be calculated by determining the actual quantity of each item and multiplying that actual quantity by the unit price bid by the **CONTRACTOR** for that item in the Bid Schedule. The total amount of the contract shall not exceed *One Million Thirty-six Thousand Nine Hundred Eighty-seven and no/100 Dollars (\$1,036,987.00)*. For additions or deductions to the Contract amount, the unit prices as set forth in the written bid of **CONTRACTOR** are hereby made part of this Contract.

A request for a progress payment must be submitted by the 10th of the month for work done in the previous calendar month. Payment shall be made by the end of that calendar month on a duly certified estimate of the work completed in the previous calendar month less five percent (5%) retainage. Final payment shall be made within thirty (30) days after completion of all work and

acceptance by the City Council, provided that **CONTRACTOR** has obtained from the Idaho State Tax Commission and submitted to the **CITY** a release of liability for taxes (Form 10-248-79).

One hundred eighty (180) calendar days shall be allowed for completion of the Work, hereinafter referred to as "Contract Time." The Contract Time shall commence when the Work is actually commenced, but in any event no later than 10 days after the date of the Notice to Proceed issued by the **CITY**.

CONTRACTOR acknowledges that time is of the essence in this Contract and the failure of **CONTRACTOR** to complete the Work within the time allowed shall result in damages being sustained by the **CITY**. Such damages are, and will continue to be, impractical and extremely difficult to determine. Therefore, in the event **CONTRACTOR** shall fail to complete the Work within the Contract Time, **CONTRACTOR** shall pay to the **CITY**, or the **CITY** may withhold from monies due **CONTRACTOR**, liquidated damages at the rate of One-thousand Five-hundred and No/100 Dollars (\$1,500.00) per calendar day, which sums shall not be construed as a penalty.

CONTRACTOR shall indemnify, defend, and hold the **CITY** harmless from any and all claims arising from **CONTRACTOR**'s actions or omissions in performance of this Contract, including the actions and omissions of **CONTRACTOR**'s employees, representatives, agents, and subcontractors. In addition, **CONTRACTOR** shall maintain liability insurance naming the **CITY** as an additional insured, and not merely a "certificate holder," in the amount of at least Five Hundred Thousand Dollars (\$500,000.00) for property damage or for bodily or personal injury, death, or loss as a result of any one occurrence or accident. It is the **CITY**'s intent, and **CONTRACTOR**'s agreement, that **CONTRACTOR**'s liability insurance shall have limits of not less than those provided for by Idaho Code § 6-924. A certificate of insurance shall further provide at least thirty (30) days' written notice to the **CITY** prior to cancellation of the policy.

CONTRACTOR agrees to maintain Worker's Compensation coverage on all employees, including the employees of subcontractors, during the term of this Contract as required by Title 72, Idaho Code. In addition to a certificate of insurance, **CONTRACTOR** shall furnish to the **CITY**, prior to commencement of the work, such evidence as the **CITY** may require guaranteeing contributions which will come due under the Employment Security Law including, at the option of the **CITY**, a surety bond in an amount sufficient to make such payments. Should **CONTRACTOR** fail to maintain the required Worker's Compensation insurance during the entire term hereof, **CONTRACTOR** shall indemnify the **CITY** against any loss resulting to the **CITY** from such failure, either by way of compensation or additional premium liability.

Certificates of all insurance required by this Contract shall be filed with the City Clerk.

Pursuant to Idaho Code § 44-1002, ninety-five percent (95%) of the employees engaged by **CONTRACTOR** for the Work shall be bona fide Idaho residents; PROVIDED, where fifty (50) or fewer persons are employed by **CONTRACTOR** for the Work, up to ten percent (10%) may be nonresidents of Idaho; PROVIDED FURTHER, in all cases **CONTRACTOR** shall give preference to the employment of bona fide Idaho residents in the performance of the Work.

In consideration of the award of this Contract to **CONTRACTOR**, and in recognition that the business in which **CONTRACTOR** is engaged is of a transitory character and that **CONTRACTOR**'s property may be outside the state of Idaho when taxes, excises or license fees to which **CONTRACTOR** is liable become payable, **CONTRACTOR** further agrees:

1. To pay promptly when due all taxes (other than on real property), excises and license fees due to the State of Idaho, its subdivisions, and municipal and quasi-municipal corporations therein, accrued or accruing during the term of this Contract, whether or not the same shall be payable at the end of such term; and
2. That, if the said taxes, excises and license fees are not payable at the end of said term but liability for said payment thereof exists, even though the same may constitute a lien upon **CONTRACTOR**'s property, **CONTRACTOR** shall secure the same to the satisfaction of the officers charged with the collection thereof; and
3. That, in the event of a default in the payment or securing of such taxes, excises and license fees, **CONTRACTOR** consents that the **CITY** may withhold from any payment due **CONTRACTOR** hereunder the estimated amount of such accrued and accruing taxes, excises and license fees for the benefit of all taxing units to which said **CONTRACTOR** may be liable.

CONTRACTOR further agrees to comply will all the requirements of **Attachment 1**, which is incorporated herein by reference.

Pursuant to Idaho Code § 67-2359, **CONTRACTOR** certifies that it is not currently owned or operated by the government of the People's Republic of China and will not, for the duration of this Contract, be owned or operated by the government of People's Republic of China.

Pursuant to Idaho Code § 67-2346, **CONTRACTOR** certifies that it is not currently engaged in, and will not for the duration of the contract engage in, a boycott of goods or services from Israel or territories under its control.

For the faithful performance of this contract in accordance with the contract documents and payment for all labor and materials, **CONTRACTOR** shall execute good and sufficient performance bond and payment bond in a form acceptable to the City Attorney each in the amount of one hundred percent (100%) of the total amount of the bid as hereinbefore stated, said bonds to be executed by a surety company authorized to do business in the state of Idaho.

The term "CONTRACT DOCUMENTS" means and includes the following:

- A) Advertisement For Bids
- B) Information For Bidders
- C) Bid Proposal
- D) Bid Bond

- E) Bidding Forms as Required
 - F) Contract
 - G) Labor and Materials Payment Bond
 - H) Performance Bond
 - I) Notice of Award
 - J) Notice to Proceed
 - K) Change Order
 - L) General Conditions
 - M) Technical Specifications
 - N) Special Provisions
 - O) Plans
 - P) Addenda
- No. 1 & 2 dated September 12 & 18, 2023

THIS contract, with all of its forms, specifications and stipulations, shall be binding upon the parties hereto, their successors and assigns. However, CONTRACTOR shall not assign this contract, or any part thereof, without the prior written consent of the CITY.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this contract on behalf of said CITY, and the CONTRACTOR has caused the same to be signed by its President, the day and year first above written.

CITY OF COEUR D'ALENE

STANCRAFT CONSTRUCTION GROUP

By _____
James Hammond, Mayor

By: _____
_____(printed name)
_____(title)

ATTEST:

Renata McLeod, City Clerk

Attachment 1

This Attachment is to be inserted in every contract subject to Title VI of the Civil Rights Act of 1964 and associated Regulations.

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. Compliance with Regulations

The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Sub-contracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to ITD or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance

In the event of the contractor’s non-compliance with the non-discrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- Cancellation, termination, or suspension of the contract, in whole or in part.

Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request ITD enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

**CITY COUNCIL
STAFF REPORT**

DATE: OCTOBER 3, 2023

FROM: DAVE HAGAR, POLICE CAPTAIN

**SUBJECT: SOLE SOURCE APPROVAL FOR THE PURCHASE OF SEVEN POLICE
VEHICLES**

DECISION POINT: Should the City Council approve the Sole Source expenditure for the purchase of seven Police Ford Explorers in the amount of \$365,470.00?

HISTORY: The City of Coeur d Alene Police Department is currently requesting six new patrol vehicles to replace high mileage, worn patrol vehicles currently in use by the department. These vehicles are included in the FY2023-24 budget. The department must also replace one patrol vehicle that was totaled in a collision. New Police rated patrol vehicles are currently in very short supply. The department's current order placed last October 2022 has been cancelled by the manufacturer along with many other agencies orders. The only vehicles available for purchase are the randomly fulfilled orders by various dealerships around the country. Unfortunately, whenever one of these dealerships received an order, agencies around the country begin the feeding frenzy to acquire these vehicles. On Friday afternoon, September 15, 2023 we received information through some department contacts that Chalmers Ford in New Mexico received a shipment of 20 Police Ford Explorer Interceptors from an earlier order. Within a couple hours, 11 of these vehicles were purchased by another agency. We worked quickly research the vehicle options and costs to determine that they were a fit for our department. After consultation with the City Administrator, a purchase order was provided to the dealer to hold the vehicles for our department as there were several other agencies vying for these same vehicles. The sole source purchase of these vehicles is a result of extremely limited inventory of Police rated vehicles. No other vendor with vehicles available could be located and these particular vehicles were being courted by many other agencies. Any delay in claiming these vehicles would have resulted in them going to other purchasers.

Because of the short supply and high demand for police vehicles, the 14-day timeline for public notice of bid requests would not have been possible. Failure to move on these currently available vehicles would have resulted in the Police Department not acquiring the vehicles needed to replace worn, high mileage vehicles.

FINANCIAL ANALYSIS: The six replacement vehicles have been authorized in the 2023-2024 budget and the additional vehicle to replace the one that was totaled in an accident will be funded through insurance money and police department vacancy savings.

PERFORMANCE ANALYSIS: The FY2022-23 approved vehicles that should have been on the road since June of this year are already delayed until possibly January of 2024. The current fleet is accumulating additional mileage that should have been applied to new vehicles at this time. The fleet will continue aging at an expedient rate while we wait for these replacement vehicles. Moving quickly on these seven vehicles is essential in staving off the premature expiration of the existing fleet.

DECISION POINT/RECOMMENDATION: Council should approve the Sole Source expenditure for the purchase of seven Police Ford Explorers in the amount of \$365,470.00.

RESOLUTION NO. 23-075

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE SOLE SOURCE PROCUREMENT OF SEVEN (7) POLICE VEHICLES FROM CHALMERS FORD IN NEW MEXICO IN THE AMOUNT OF \$365,470.00, AND AUTHORIZING THE CITY CLERK TO PUBLISH THE NOTICE OF A SOLE SOURCE PROCUREMENT REQUIRED BY IDAO CODE § 67-2808(2).

WHEREAS, Idaho Code § 67-2808(2) authorizes the City Council of the City of Coeur d'Alene to authorize sole source procurements where there is only one vendor or source for an item reasonably available and where competitive solicitation is impractical, disadvantageous, or unreasonable under the circumstances;

WHEREAS, new police-rated patrol vehicles are currently in very short supply; and

WHEREAS, the sole source purchase of these vehicles is a result of extremely limited inventory of police-rated vehicles; and

WHEREAS, no other vendor with vehicles available could be located; and

WHEREAS, these particular vehicles will be sold to other agencies if the City does not authorize the purchase; and

WHEREAS, Chalmers Ford provided the only proposal and the proposal met the City's required design, customization, and layout requirements, a copy of which is attached hereto as Exhibit "A" and by reference made a part hereof; and

WHEREAS, Chalmers Ford meets the requirements for a sole source procurement as it is the only vendor of police rated patrol vehicles reasonably available and competitive solicitation is impractical, disadvantageous, or unreasonable under the circumstances.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Coeur d'Alene, Idaho, that Chalmers Ford in New Mexico is the only vendor reasonably available to purchase the seven (7) police vehicles and competitive solicitation is impractical, disadvantageous, or unreasonable under the circumstances.

BE IT FURTHER RESOLVED that the City Clerk is authorized to publish the notice of a sole source procurement as required by I.C. § 67-2808(2).

BE IT FURTHER RESOLVED that the City purchase the seven (7) police vehicles pursuant to I.C. sec 67-2808(2).

DATED this 3rd day of October 2023.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER MCEVERS	Voted
COUNCIL MEMBER MILLER	Voted
COUNCIL MEMBER GOOKIN	Voted
COUNCIL MEMBER EVANS	Voted
COUNCIL MEMBER ENGLISH	Voted
COUNCIL MEMBER WOOD	Voted

_____ was absent. Motion _____.



PROPOSAL

2500 Rio Rancho Blvd
Rio Rancho, NM 87124

(505) 554-6447

QUOTE TO: Coeur d' Alene Police Department
Steve Moran
3818 Schreiber Way
Coeur d' Alene, Idaho 83815

SHIPPED TO: Coeur d' Alene Police Department
Steve Moran
3818 Schreiber Way
Coeur d' Alene, Idaho 83815

PROPOSAL #	091523-3
PROPOSAL DATE	September 11, 2023
MEMBER PO #.	
CES PO#	
TERMS	Due on Receipt
SALES REP	Mike Michnuk
SHIPPED VIA	Pick UP
F.O.B.	
PREPAID or COLLECT	

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
	<u>Statewide Price Agreement #: 00-00000-20-00088</u>		
7	Item 3: Utility Vehicle, full-size, 4 door, 4x4	\$ 36,380.00	\$ 254,660.00
	Options:		
7	AB: Police special service package	\$ 5,400.00	\$ 37,800.00
7	BC: Deflector Plate #76D	\$ 435.00	\$ 3,045.00
7	AL: Spotlight: 6-inch LED	\$ 695.00	\$ 4,865.00
7	AN: Trailer towing package	\$ 945.00	\$ 6,615.00
7	BF: Remote Keyless Entry FOBS- Factory	\$ 425.00	\$ 2,975.00
7	BN: BLIS- Blind Spot Monitoring w/Cross Traffic Alert	\$ 695.00	\$ 4,865.00
7	BQ: Police Engine Idle Feature- #47A	\$ 290.00	\$ 2,030.00
7	BR: Reverse Sensing #76B	\$ 395.00	\$ 2,765.00
7	CJ: Upgrade to Explorer Police Interceptor w/ 3.0L Engine	\$ 6,550.00	\$ 45,850.00
In Stock Units		SUBTOTAL	365,470.00
2023 Model Ecoboost		TAX	0.00
Proposal Valid for 30 Days or Subject to Prior Sale		FREIGHT	
			\$365,470.00
			PAY THIS AMOUNT

DIRECT ALL INQUIRIES TO:
Mike Michnuk
505.554.6447
mmichnuk@chalmersford.com



PUBLIC HEARINGS

APPLICANTS PRESENTATION

KAUFMAN ESTATES

PLANNED UNIT DEVELOPMENT

OLSON ENGINEERING

POST FALLS

Planned Unit Development Review Criteria

- **Conformity with the Comprehensive Plan**
- **Compatibility with location, setting and uses on adjacent properties**
- Compatibility with natural features on the site and surrounding area
- Adequately served by streets and services
- Sufficient open space/common areas
- Sufficient parking
- Common area maintenance

Planning Commission Findings- Page 2

The Planning Commission further finds:

B8. That, pursuant to Coeur d'Alene Municipal Code Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the criteria set out in the Code to the satisfaction of the Planning Commission.

B8A. The proposal does not conform to the following provisions of the Comprehensive Plan:

Community & Identity

OBJECTIVE CI 1.1

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 3

Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

Environment & Recreation

Goal ER 1

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

Growth & Development

Objective GD 1.5 Recognize neighborhood and district identities.

Goal GD 5

Implement principles of environmental design in planning projects.

Community Involvement

- Public noticing and public comment at 2022 Planning Commission hearing
- Meeting with City staff, owners, development team, and adjacent property owners after 2022 hearing
- Redesign of project including 25% density reduction and substantial increase in parking and open space
- Public noticing and public comment at 2023 Planning Commission hearing

Planning Commission Findings- Page 2

The Planning Commission further finds:

B8. That, pursuant to Coeur d'Alene Municipal Code Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the criteria set out in the Code to the satisfaction of the Planning Commission.

B8A. The proposal does not conform to the following provisions of the Comprehensive Plan:

Community & Identity

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Goal ER 1

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

Growth & Development

Objective GD 1.5 Recognize neighborhood and district identities.

Goal GD 5

Implement principles of environmental design in planning projects.

Comprehensive Plan

- Consistent with Envision Coeur d'Alene Comprehensive Plan Future Land Use Map
- Consistent with "Compact Neighborhood" implementing zones and housing types
- Proximity to commercial corridors, downtown business district and I-90
- Intended to be work force/entry level housing
- Provides a housing type that is underrepresented in the area
- Consistent with Coeur d'Alene infill objectives

Comprehensive Plan

"Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households."

"Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing."

"Achieve a balance of housing product types and price points, including affordable housing, to meet city needs."

"Educate the community on current housing needs and viable affordable/attainable housing solutions available to the region, utilizing the results and recommendations of the housing needs assessment combined with the housing profiles."

"Retain, grow, and attract businesses."

Planning Commission Findings- Page 2

B8B.

The design and planning of the site is not compatible with the location, setting and existing uses on adjacent properties. This finding is based on the effective density, the overall layout of the buildings, the incompatibility of the architectural style, and the incompatibility of the massing of buildings and layout of distance and deviations requested with adjacent structures, single family homes and larger lots.

Location, Setting, Adjacent Property Uses

- Close to downtown and commercial services
- Walkable/bikeable distance to Best Ave, Government Way, Kathleen Ave
- Close to recreation areas- Fernan, Canfield Mt, Tubbs Hill, Lake CDA
- Urban to suburban transition area
- Several infill projects exist within a ¼ mile radius
- Mix of single family, multi-family and duplexes within a ½ mile radius
- Change in architectural style is more consistent with surrounding homes

Coeur d'Alene City Code

17.02.030: DEFINITIONS III

L. "Adjacent" means near, close or abutting; for example, a commercial zoning district across the street or highway from a residential zoning district shall be considered as "adjacent".

- Interstate 90 ROW width @ 15th St- 350'
- Interstate 90 ROW width @ 9th St overpass- 225'
- Highway 95 ROW width @ Kathleen Ave- 220'
- Public noticing requires property owners within 300' of subject property are notified of proposal by mail

Finding #B8B:

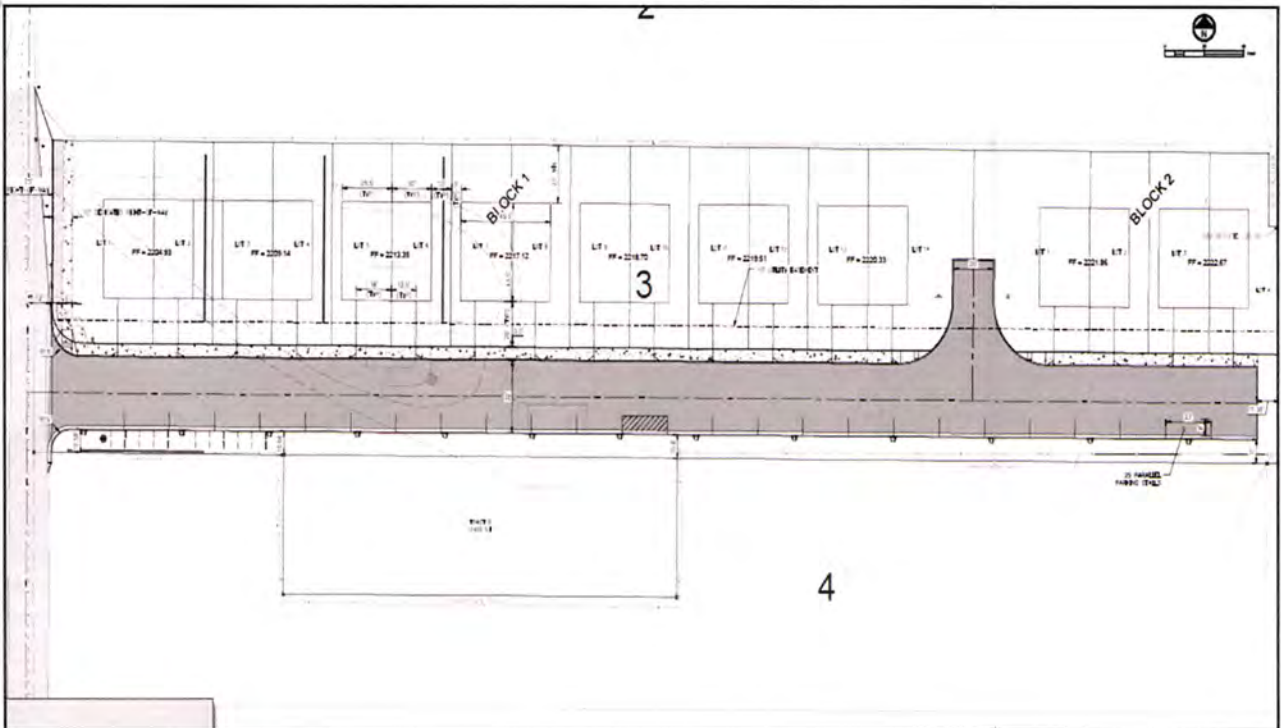
The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.

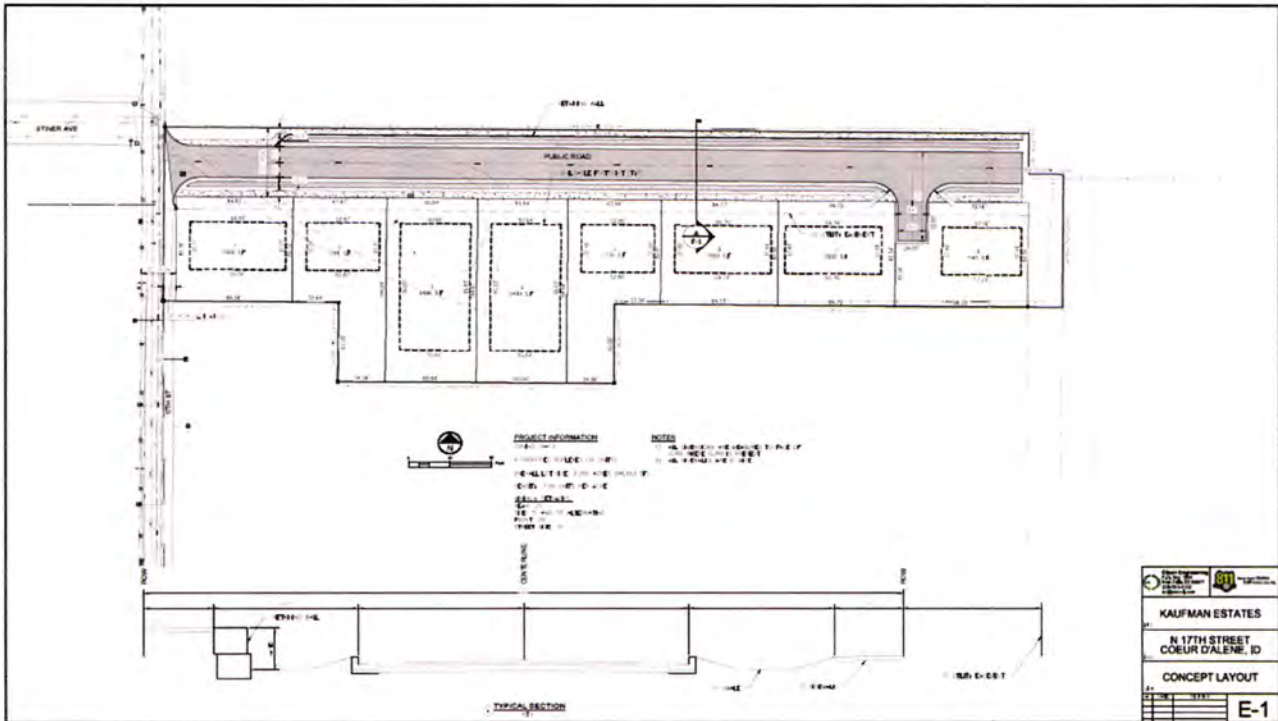


Planning Commission Findings- Page 2

B8B.

The design and planning of the site is not compatible with the location, setting and existing uses on adjacent properties. This finding is based on the effective density, the overall layout of the buildings, the incompatibility of the architectural style, and **the incompatibility of the massing of buildings and layout of distance and deviations requested with adjacent structures, single family homes and larger lots.**





R-12 Duplex Option

- Permitted principle use in R-12
- Subdivision would be required

Duplex subdivision design review criteria:

- 7,000 sq ft minimum lot size (3,500 per unit)
- 50' of frontage along a public street
- Pedestrian connectivity
- Adequately served by available infrastructure
- Stormwater management



CITY COUNCIL STAFF REPORT

This is an appeal of the Planning Commission’s decision on August 8, 2023, to Deny the request of Todd Kaufman for a proposed Planned Unit Development and associated Subdivision to allow 18 lots and two (2) tracts known as “Kaufman Estates” PUD and Preliminary Plat.

FROM: TAMI STROUD, ASSOCIATE PLANNER
DATE: OCTOBER 3, 2023
SUBJECT: APPEAL OF PLANNING COMMISSION’S DENIAL OF:
PUD- 1-23 “KAUFMAN ESTATES” PUD and
S-5-23- 18 LOT (2-TRACT) PRELIMINARY PLAT SUBDIVISION
REQUEST FOR “KAUFMAN ESTATES”
LOCATION: +/- 2.23 ACRE PARCEL LOCATED SOUTH OF EAST SIDE OF
N. 17TH STREET AND E. STINER AVENUE AND SOUTH OF
NETTLETON GULCH ROAD.

APPLICANT/OWNER:
Todd Kaufman
3389 E Harrison Avenue
Coeur d’Alene, ID 83814

ENGINEER:
Olson Engineering
PO Box 1894
Coeur d’Alene ID 83814

DECISION POINT:

Olson Engineering, on behalf of Todd Kaufman, applied for approval of a Planned Unit Development request to allow 18 lots and two (2) tracts known as “Kaufman Estates” PUD in the R-12 (residential at 12 units per acre) zoning district. The Planning Commission conducted a public hearing on August 8, 2023, and unanimously denied the application. The applicant filed a timely appeal.

BACKGROUND INFORMATION:

The subject property is located at 2810 N. 17th Street, slightly southeast of Stiner Avenue, north of Gilbert Avenue and south of Nettleton Gulch Road. The property is an approximately 2.3-acre site with an existing single-family dwelling and accessory structure that will be removed. The applicant proposed a planned unit development (PUD) as part of this request. (See PUD map on page 14).

The PUD, as designed, would consist of 18 lots, with two open space tracts, one tract that will contain the private road and the other tract will contain the required Open Space. The applicant indicated that the 18 lots are designed for twin homes, which are like duplexes except that they are on individual lots with one shared wall and zero lot line construction, with separate utilities, and can be sold as real property (see proposed building elevations on page 23 and 24). The

project is designed for one of the units in each structure to contain a one-car garage with a smaller overall footprint, while the other unit will be larger and contain a two-car garage. The 18 proposed buildable lots will have access to a private road within the development and the private road will have a single access connection to N. 17th Street. The total number of units would be 18. The applicant has also proposed an additional 22 parallel parking stalls along the south side of the private road.

The applicant is proposing 12,400 SF of open space or 12% that will be located in a tract known as "Tract B" on the preliminary plat. The open space amenities include a grassy area with a walking path, trees, shrubs and a picnic area with a gazebo in the open space tract. (see Open Space map and images on pages 27 -28). The applicant has indicated that the open space area will be maintained by the Homeowners' Association (HOA).

The applicant has indicated that this project will be completed in one phase with construction beginning in spring/summer of 2024 and completed by late 2024/early 2025. See the attached Narrative by the applicant at the end of this report for a complete overview of their PUD, and subdivision request (Attachment).

HISTORY & APPEAL REQUEST:

This proposal originally came to Planning Commission for a public hearing at its August 9, 2022, meeting. It was presented to Planning Commission with a request for 24 twin home units on a 2.3-acre parcel with two (2) Open Space tracts and a private road. The request was unanimously denied.

On February 10, 2023, the development team, including Jeramie Terzulli, Olson Engineering and Todd Kaufman owner and developer of Kaufman Estates, met with several of the neighbors surrounding the proposed development to discuss the project. The neighbors shared their concerns with the density and compatibility, and their hope that single-family homes would be built on the parcel. Jeramie and Todd explained that they would like to build the twin homes and sell them individually.

On August 8, 2023, the Planning Commission conducted a public hearing on the new proposed PUD and Preliminary Plat, and again the application was unanimously denied. The modified request was for 18 twin homes on a 2.3-acre parcel. The PUD request included a +/- 12,000 SF of Open Space that would be opened to the public. It also included an additional 22 parallel parking spaces proposed on the south side of the private street for visitor parking, in response to the comments and feedback from the hearing on August 9, 2022. The applicant's Administrative Appeal Application dated August 23, 2023 is attached. The applicant is appealing the Planning Commission's August 8, 2023, denial, contending that the Planning Commission abused its discretion because of bias in favor of members of the public who were opposed to the application. In addition, the applicant contends that the Planning Commission manipulated the term "adjacent" and erroneously applied the term to this application.

The applicant requested approval of the "Kaufman Estates" PUD with the following deviations. If Council decides that the denial of the PUD was in error, it should address each of the requested deviations or remand the matter to the Planning Commission to address the deviations.

- Lots fronting on a private street rather than a public street.
- Allow for twin home type construction in the R-12 Zoning District.

- Minimum Lot Area of 2,663 SF for a twin home unit rather than 3,500 SF.
- Side Setback (interior) of 5' and 0' rather than 5' on one side and 10' on the other.
- Street Side Setback of 5' rather than 10'.
- Sidewalk on one side of street rather than sidewalks on both sides of street.
- 30-foot lot frontage for each twin home lot.

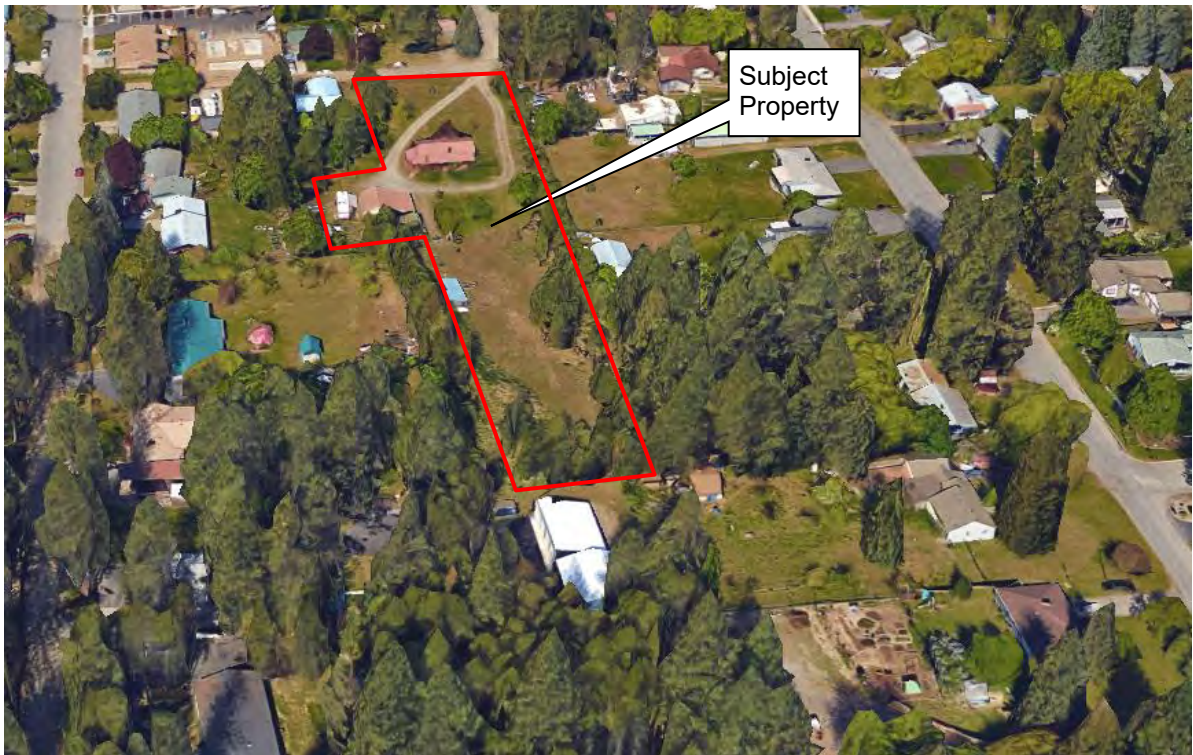
PROPERTY LOCATION MAP:



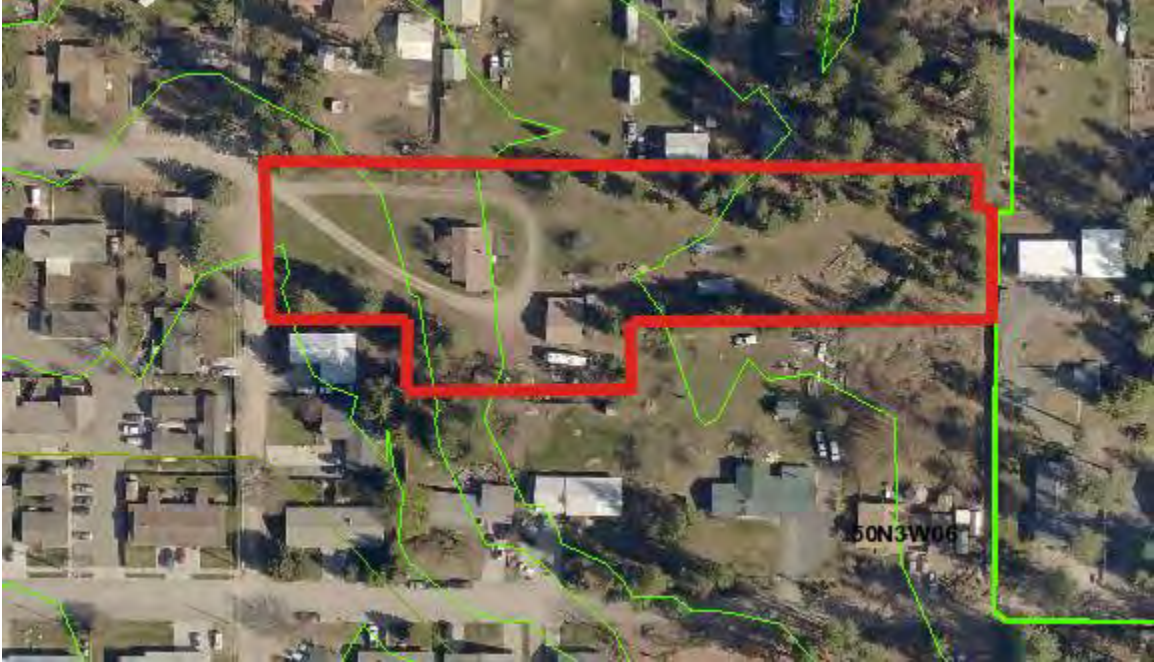
AERIAL PHOTO:



BIRDS EYE AERIAL:



CONTOUR MAP:



SITE PHOTO - 1: View from the 17th St./ Stiner Avenue looking east at the subject property.



SITE PHOTO - 2: View from center of the subject property looking east. Existing home on the left.



SITE PHOTO - 3: View from the subject property looking west at the existing storage building.



SITE PHOTO - 4: View from the subject property looking north at the neighboring properties.



SITE PHOTO - 5: View from the center of property looking west toward 17th Street and Stiner Ave.



SITE PHOTO - 6: View from western edge of the subject property looking west toward Stiner Ave.



SITE PHOTO - 7: View from 17th St./Stiner Ave. looking south with the subject property on the left.



SITE PHOTO - 8 View from 17th Street looking north toward Nettleton Gulch Road.



Evaluation: *The City Council will need to determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

PUD-1-22: PLANNED UNIT DEVELOPMENT FINDINGS:

17.07.230: PLANNED UNIT DEVELOPMENT REVIEW CRITERIA:

A planned unit development may be approved only if the proposal conforms to the following criteria, to the satisfaction of the commission:

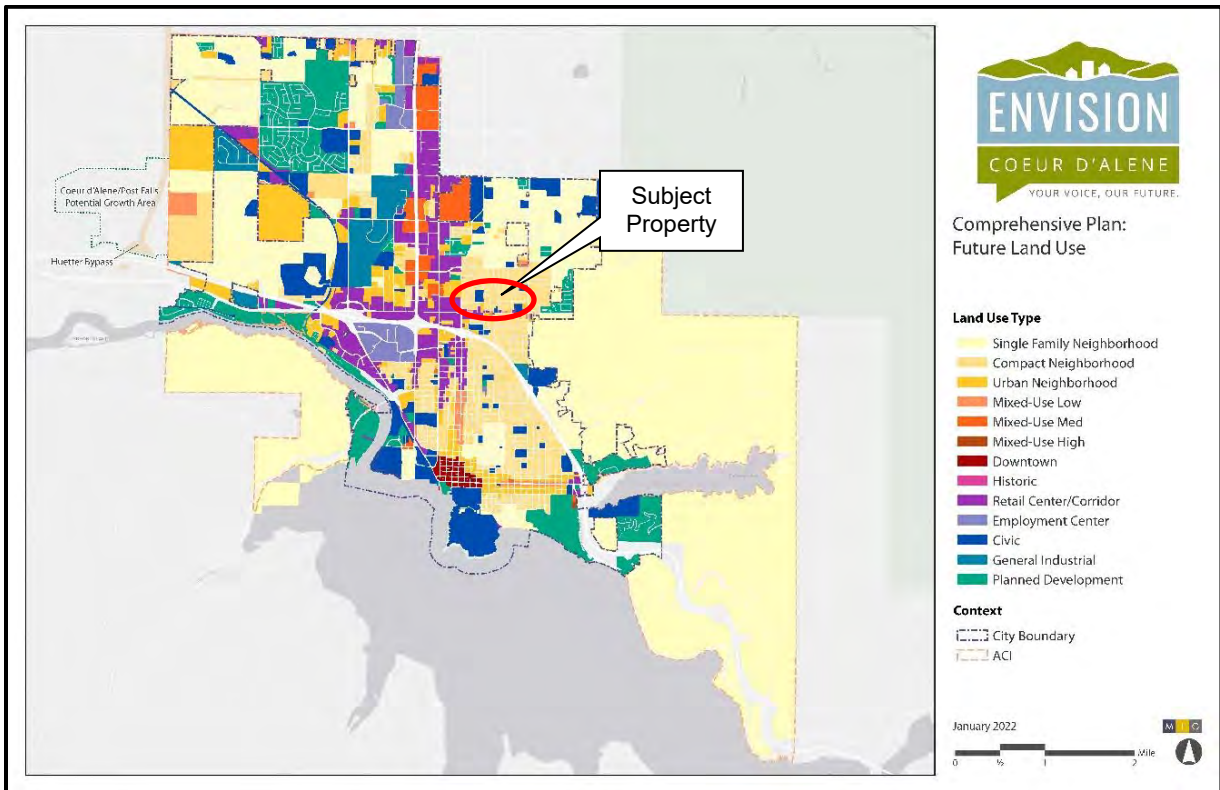
REQUIRED FINDINGS (PUD):

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

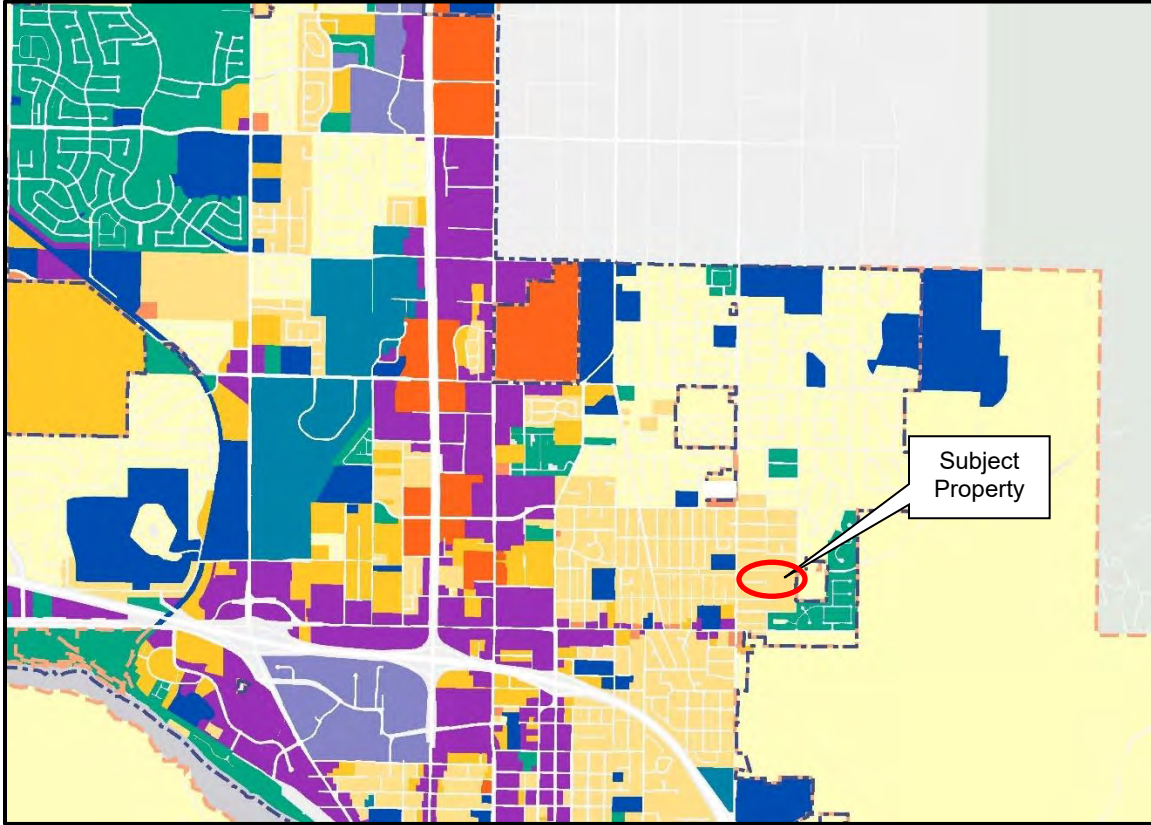
2042 COMPREHENSIVE PLAN LAND USE:

- The subject property is within the existing city limits.
- The City’s Comprehensive Plan designates the subject property within two land use areas.
 1. Compact Neighborhood
 2. Mixed Use-Low
- The subject site lies within the City’s Area of City Impact (ACI)

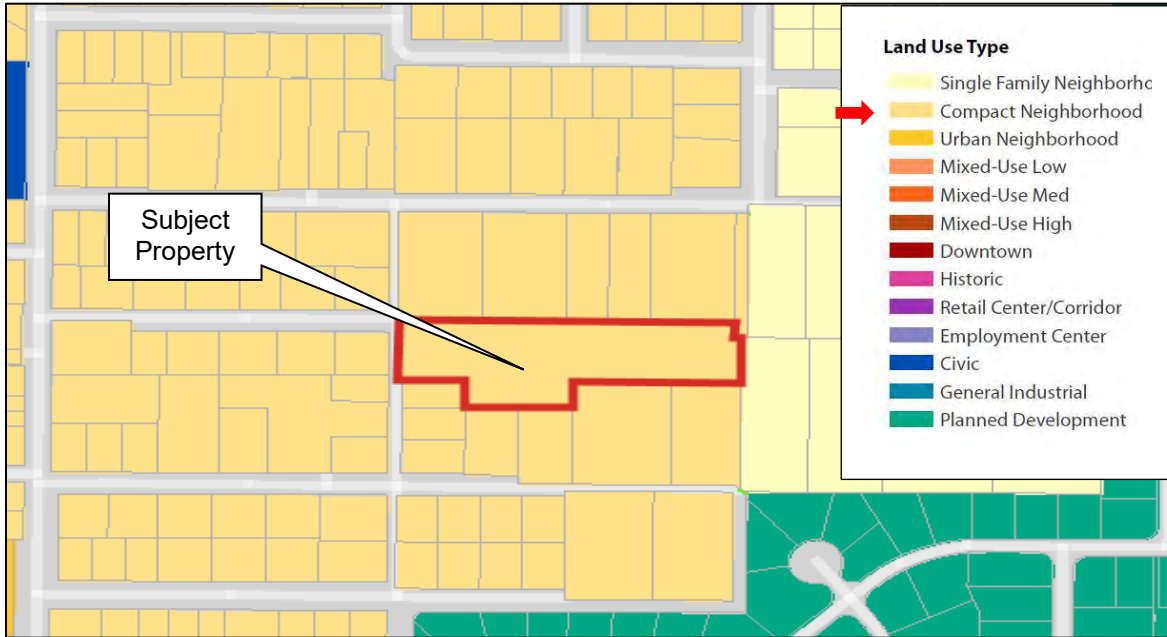
2042 COMPREHENSIVE PLAN LAND USE MAP:



2042 COMPREHENSIVE PLAN LAND USE MAP:



2042 COMPREHENSIVE PLAN LAND USE MAP: Site Location



The subject site lies within the **Compact Neighborhood** designation in the 2042 Comprehensive Plan.

2042 Comprehensive Plan Place Type:

The Place Types in this plan represent the form of future development, as envisioned by the residents of Coeur d’Alene. These Place Types will in turn provide the policy level guidance that will inform the City’s Development Ordinance. Each Place Type corresponds to multiple zoning districts that will provide a high-level of detail and regulatory guidance on items such as height, lot size, setbacks, adjacencies, and allowed uses.

Place Type -1: Compact Neighborhood

Compact Neighborhood places are medium density residential areas located primarily in older locations of Coeur d’Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family homes, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts. Supporting uses typically include neighborhood parks, recreation facilities, and parking areas.

Compatible Zoning Districts within the “Compact Neighborhood” Place Type:

- R-12, R-17, MH-8, NC and CC Zoning Districts.

Key Characteristics of “Compact Neighborhood” Place Type:

Compact Neighborhood



Key Characteristics
 Compact Neighborhood places are medium density residential areas located primarily in older locations of Coeur d’Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts. Supporting uses typically include neighborhood parks, recreation facilities, and parking areas.

Transportation

- Gridded street pattern with pedestrian and bicycle facilities

Typical Uses

- Primary: Single and mixed residential
- Secondary: Neighborhood parks and recreation facilities, parking

Building Types

- Single-family, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts

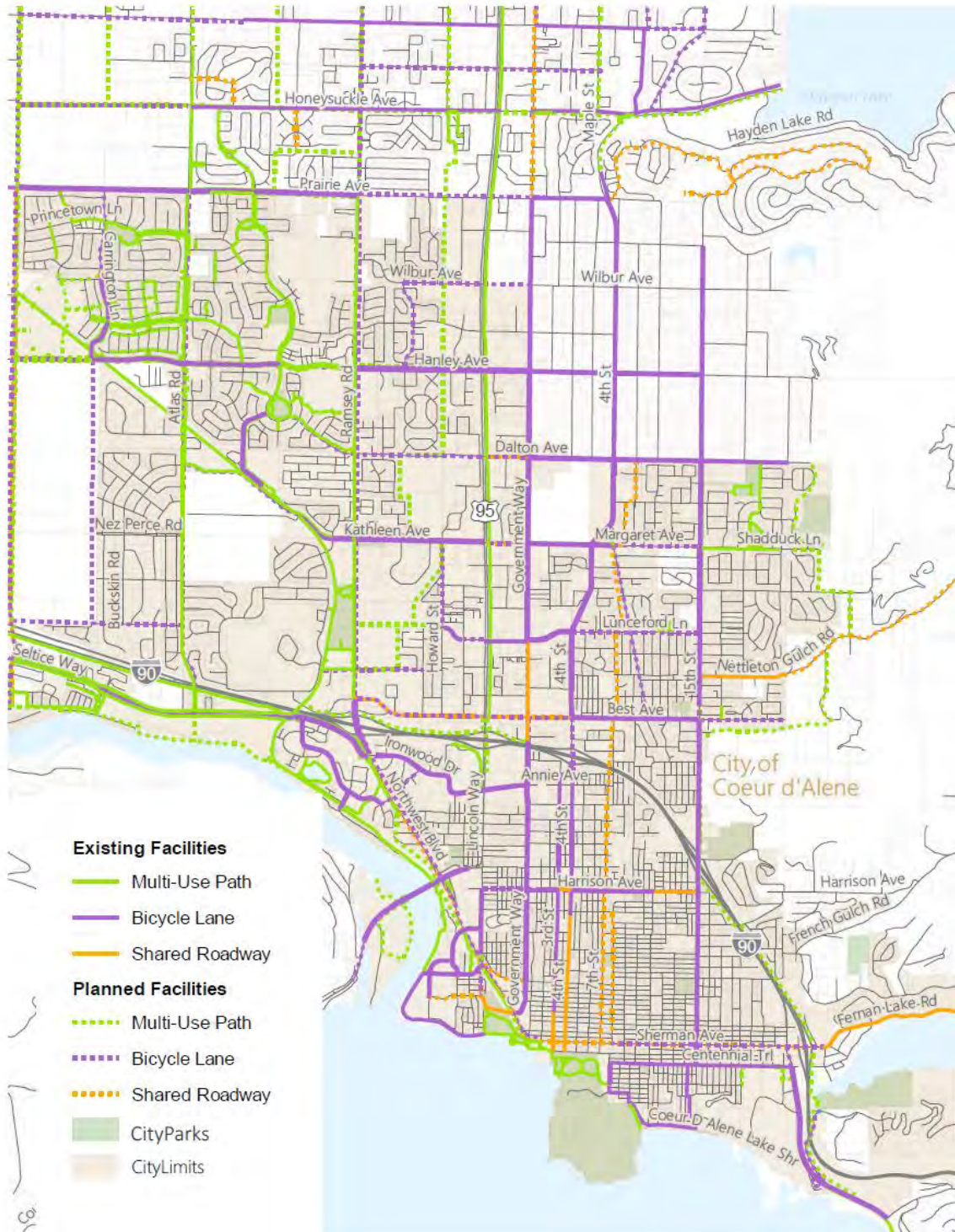
Compatible Zoning

- R-12 and R-17; MH-8; NC and CC

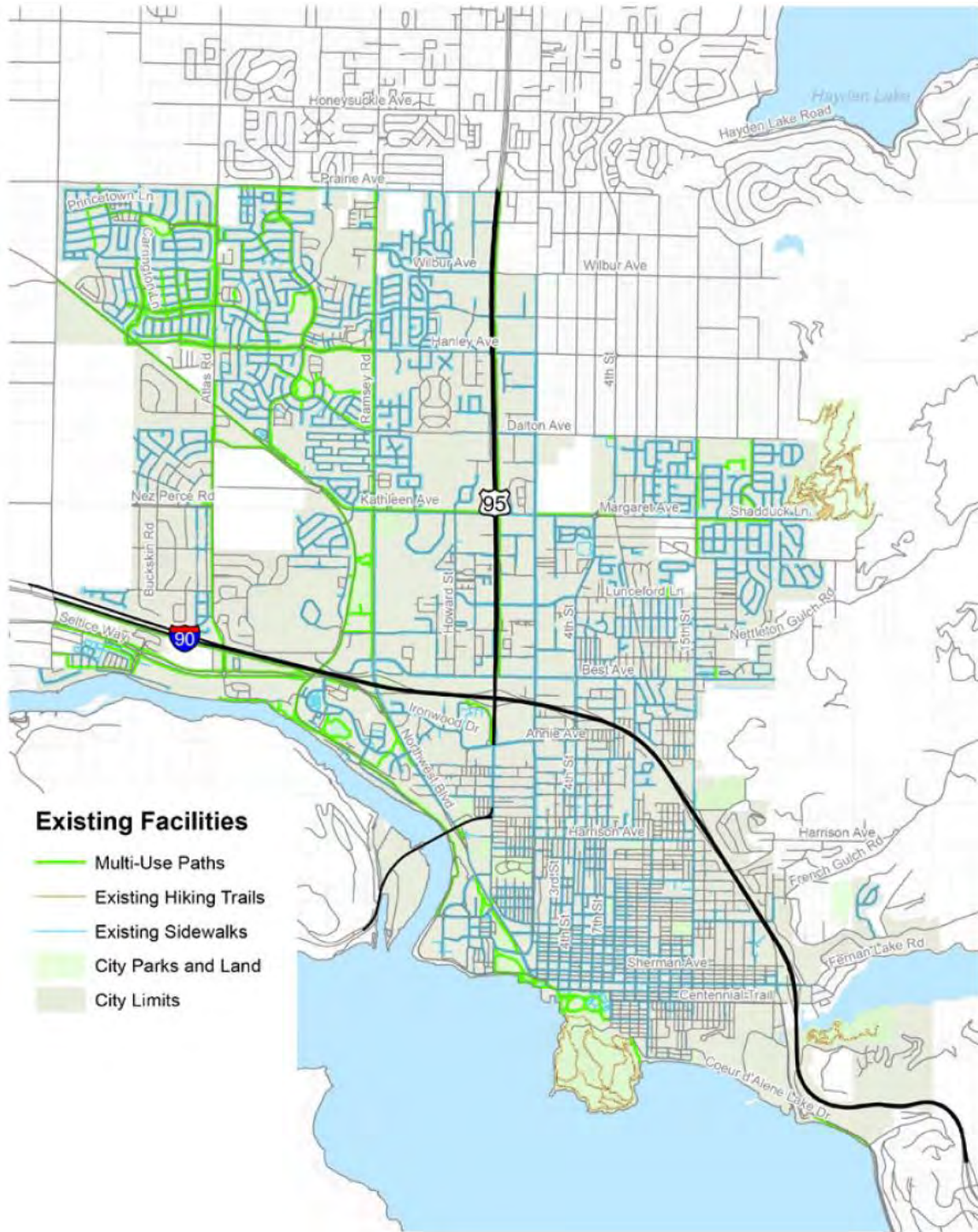


Transportation

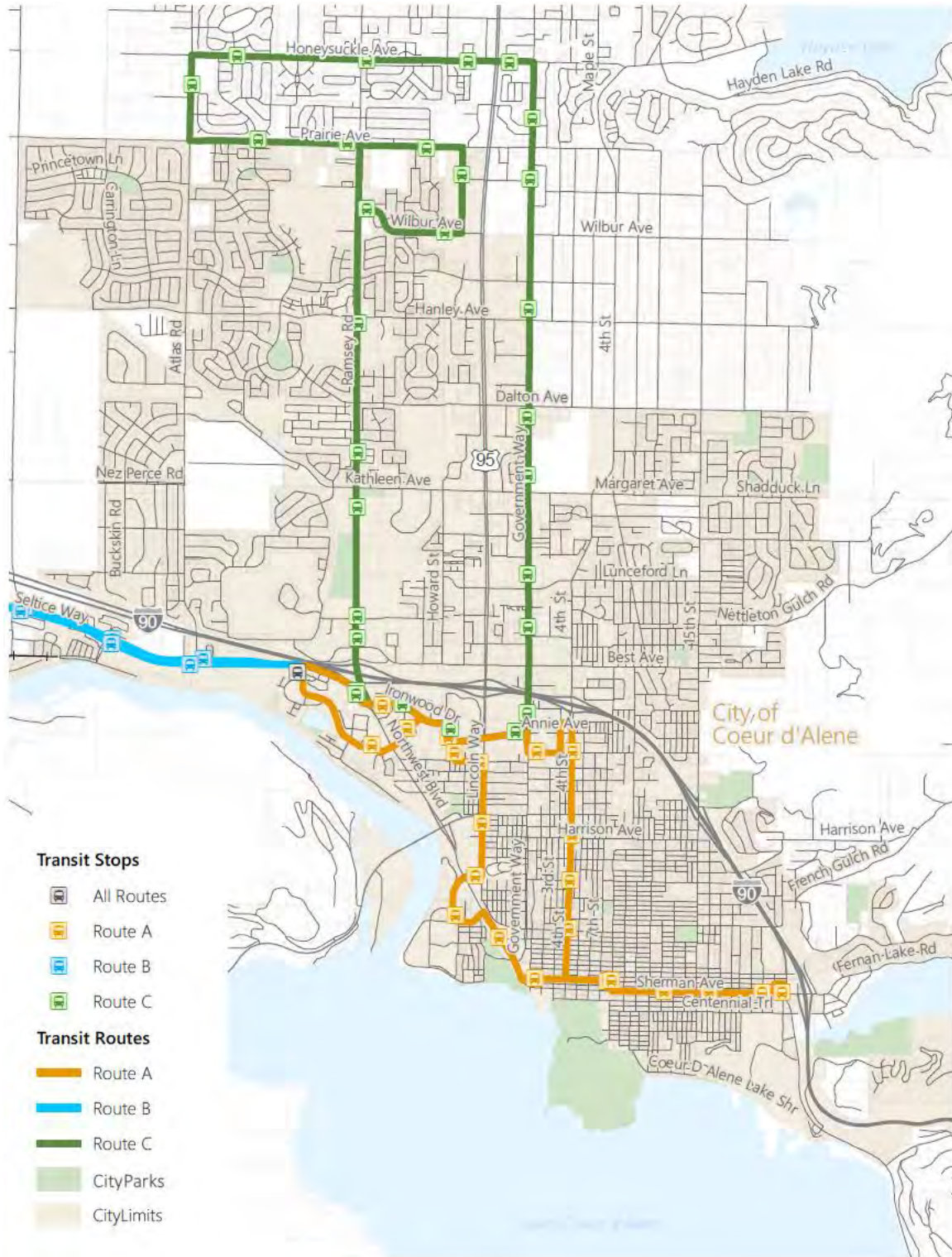
Existing and Planned Bicycle Network:



Existing and Planned Walking Network:



Existing Transit Network:



Comprehensive Plan Policy Framework: Community & Identity

Goal CI 1

Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

OBJECTIVE CI 1.1

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 2

Maintain a high quality of life for residents and business that make Coeur d'Alene a great place to live and visit.

OBJECTIVE CI 2.1

Maintain the community's friendly, welcoming atmosphere and its small-town feel.

Goal CI 3

Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

OBJECTIVE CI 3.1

Support efforts to preserve existing housing stock and provide opportunities for new affordable and workforce housing.

Environment & Recreation

Goal ER 1

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

OBJECTIVE ER 1.4

Reduce water consumption for landscaping throughout the city.

Goal ER 2

Provide diverse recreation options.

OBJECTIVE ER 2.3

Encourage and maintain public access to mountains, natural areas, parks, and trails that are easily accessible by walking and biking.

Growth & Development

Goal GD 1

Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

OBJECTIVE GD 1.1

Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.

OBJECTIVE GD 1.3

Promote mixed use development and small-scale commercial uses to ensure that neighborhoods have services within walking and biking distance.

OBJECTIVE GD 1.5

Recognize neighborhood and district identities.

Goal GD 2

Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.

OBJECTIVE GD 2.1

Ensure appropriate, high-quality infrastructure to accommodate growth and redevelopment.

OBJECTIVE GD 2.2

Ensure that City and technology services meet the needs of the community.

Goal GD 5

Implement principles of environmental design in planning projects.

OBJECTIVE GD 5.1

Minimize glare, light trespass, and skyglow from outdoor lighting.

Evaluation: The City Council 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.

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

LOCATION, SETTING, AND EXISTING USES:

The property has a slight elevation change from the center of the subject property tapering down toward 17th Street. There are large native trees around the perimeter of the property. There is a single-family dwelling and accessory structure in the center of the site which will be removed. There are existing residential uses that surround the subject site on all sides. The neighborhood is established with larger lot sizes in the area. There are single family dwellings to the north, east and west of the subject site. Near the project site on Gilbert Avenue, Stiner Avenue and Nettleton Gulch Road are examples of pocket housing projects, duplexes, and other infill projects.

For purposes of the appeal hearing, the Municipal Code Section 17.02.030 defines abut and adjacent. Finding B8B refers to “adjacent” properties.

A. "Abut" means two (2) adjoining parcels of property, with a common property line, are herein considered as one parcel abutting the other, except where two (2) or more lots adjoin only at a corner or corners; they shall not be considered as abutting unless the common property line between the two (2) parcels measures more than eight feet (8') in a single direction.

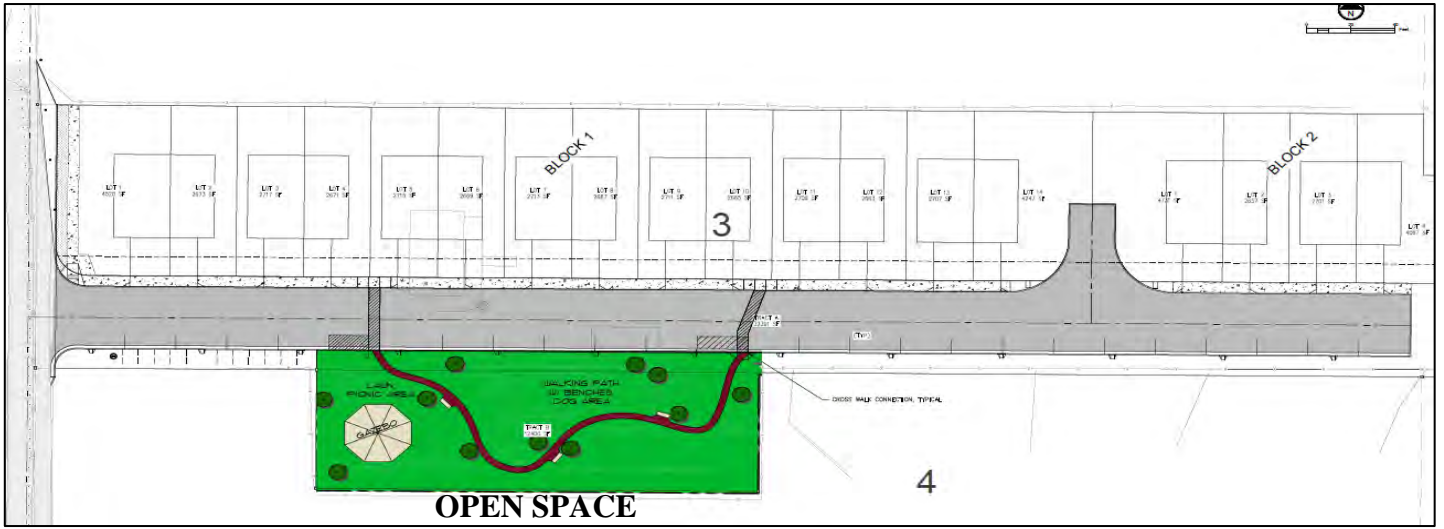
L. "Adjacent" means near, close or abutting; for example, a commercial zoning district across the street or highway from a residential zoning district shall be considered as "adjacent".

The PUD site plan map and proposed setbacks/building footprint graphic are on the following pages.

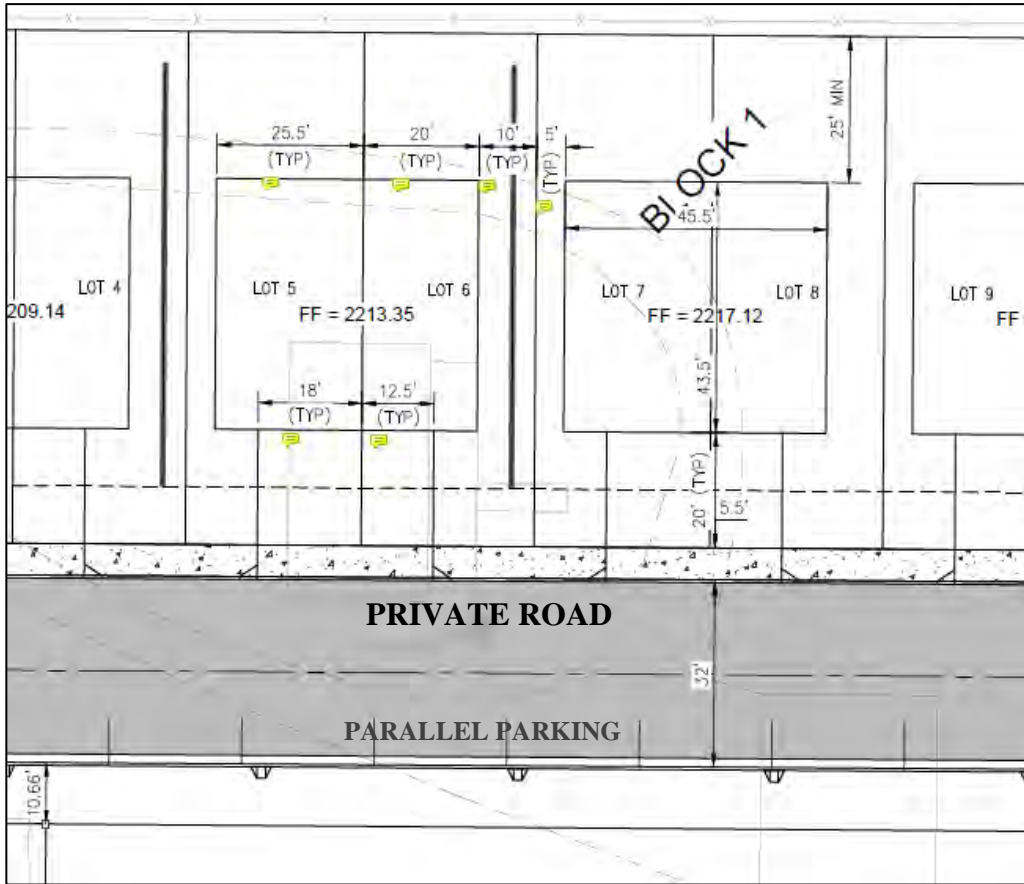
SITE PHOTO: Looking east from 17th St. /Stiner Avenue at the subject property.



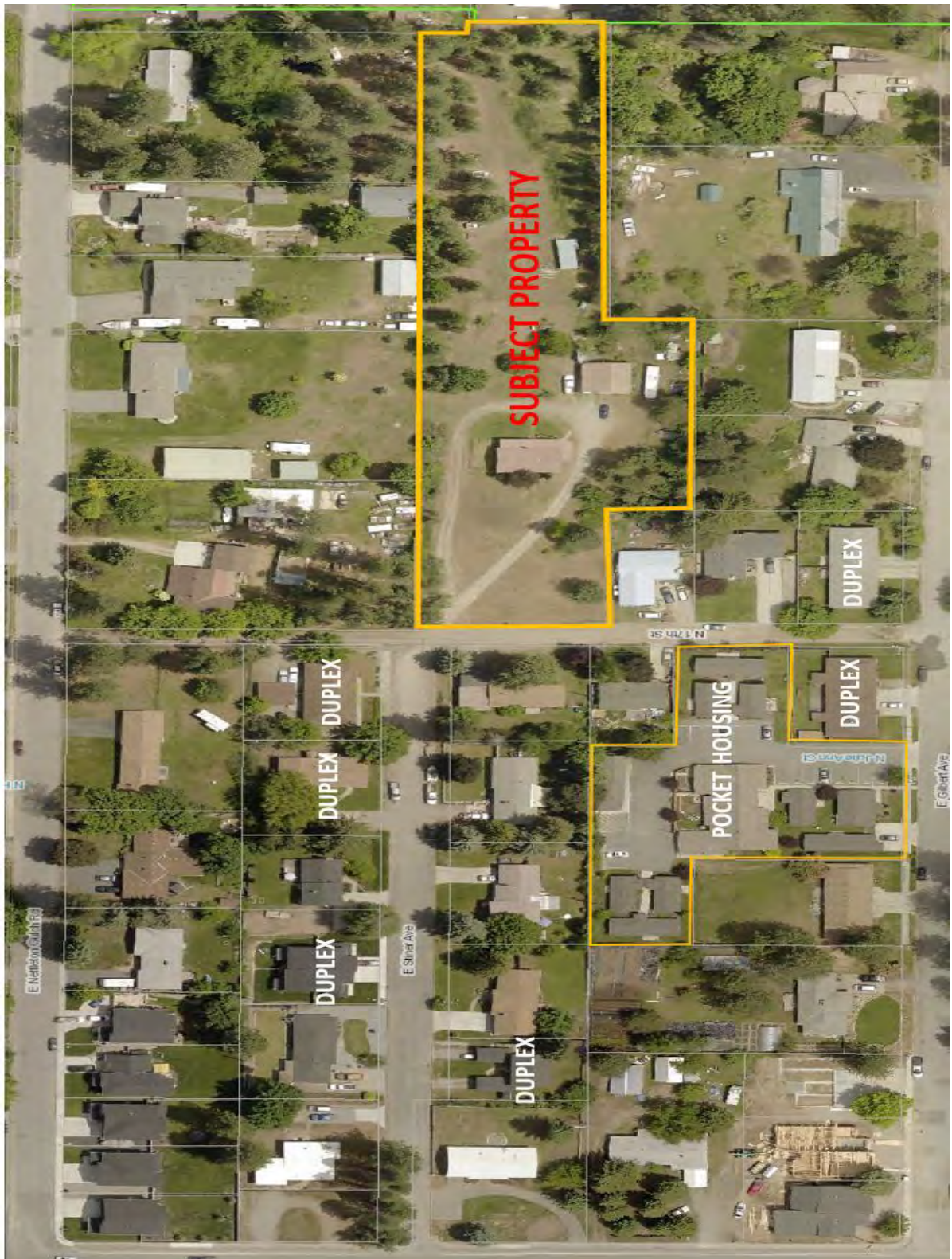
PUD SITE PLAN MAP: "KAUFMAN ESTATES"



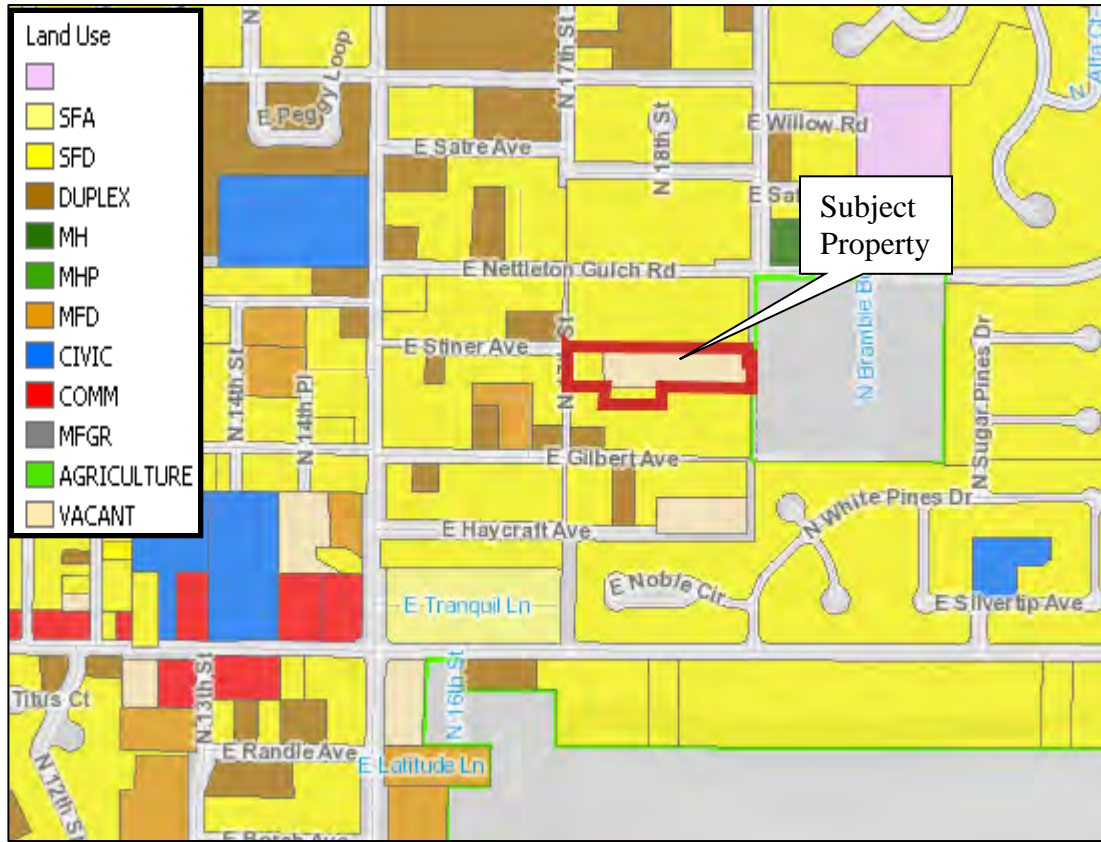
SETBACKS PROPOSED/BUILDING FOOTPRINT:



Duplex and Pocket Housing projects near the subject property:



GENERALIZED LAND USE MAP:

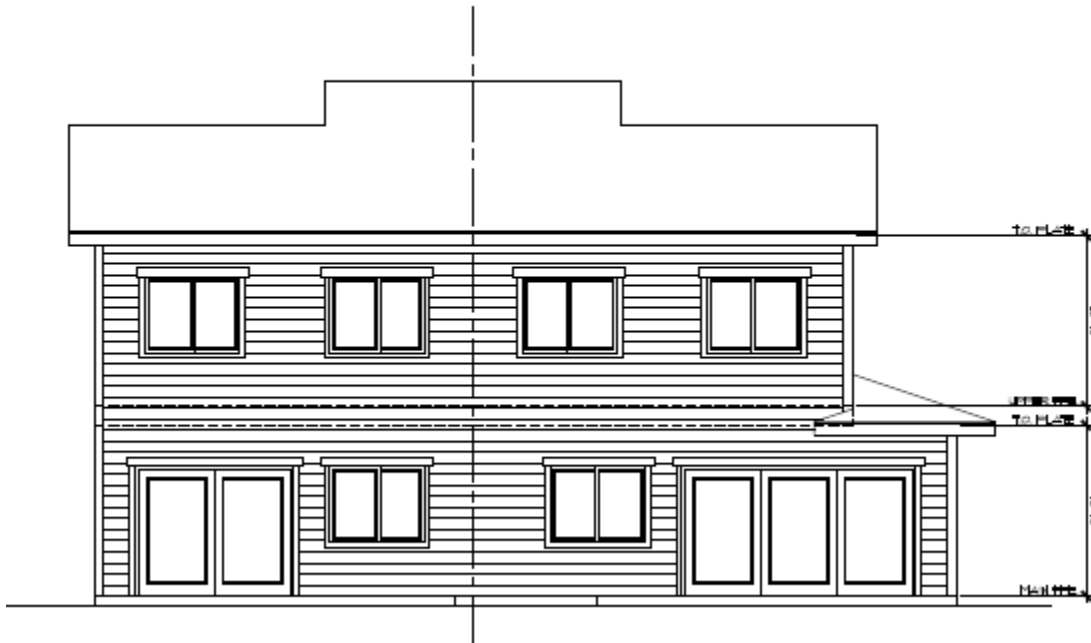


The images on page on the following page reflect the proposed building elevations of the proposed twin homes.

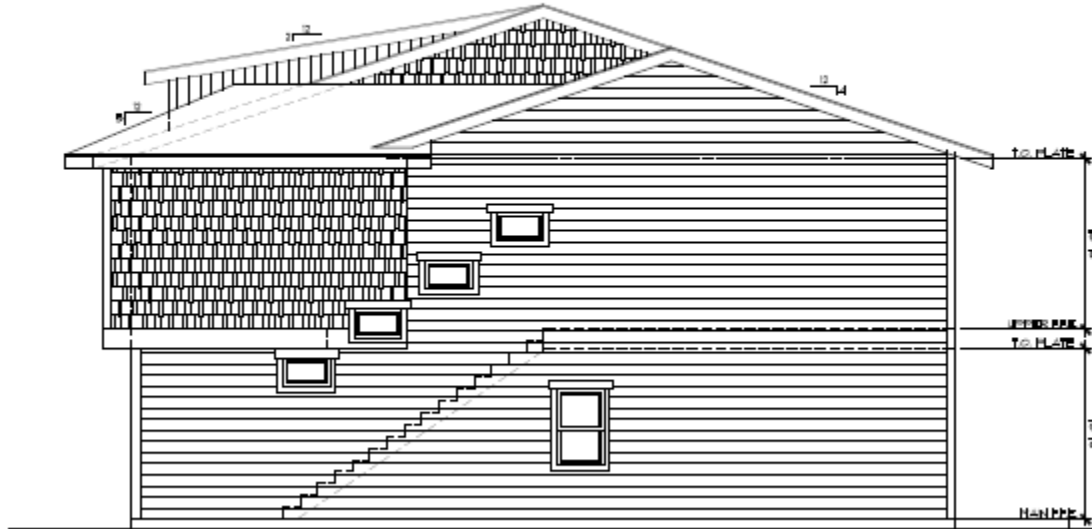
APPLICANT'S BUILDING ELEVATION – 1: Twin Home Front Elevation
(Note: the dashed vertical line indicates the property line splitting the two units)



APPLICANT'S BUILDING ELEVATION – 2: Twin Home Rear Elevation
(Note: the dashed vertical line indicates the property line splitting the two units)



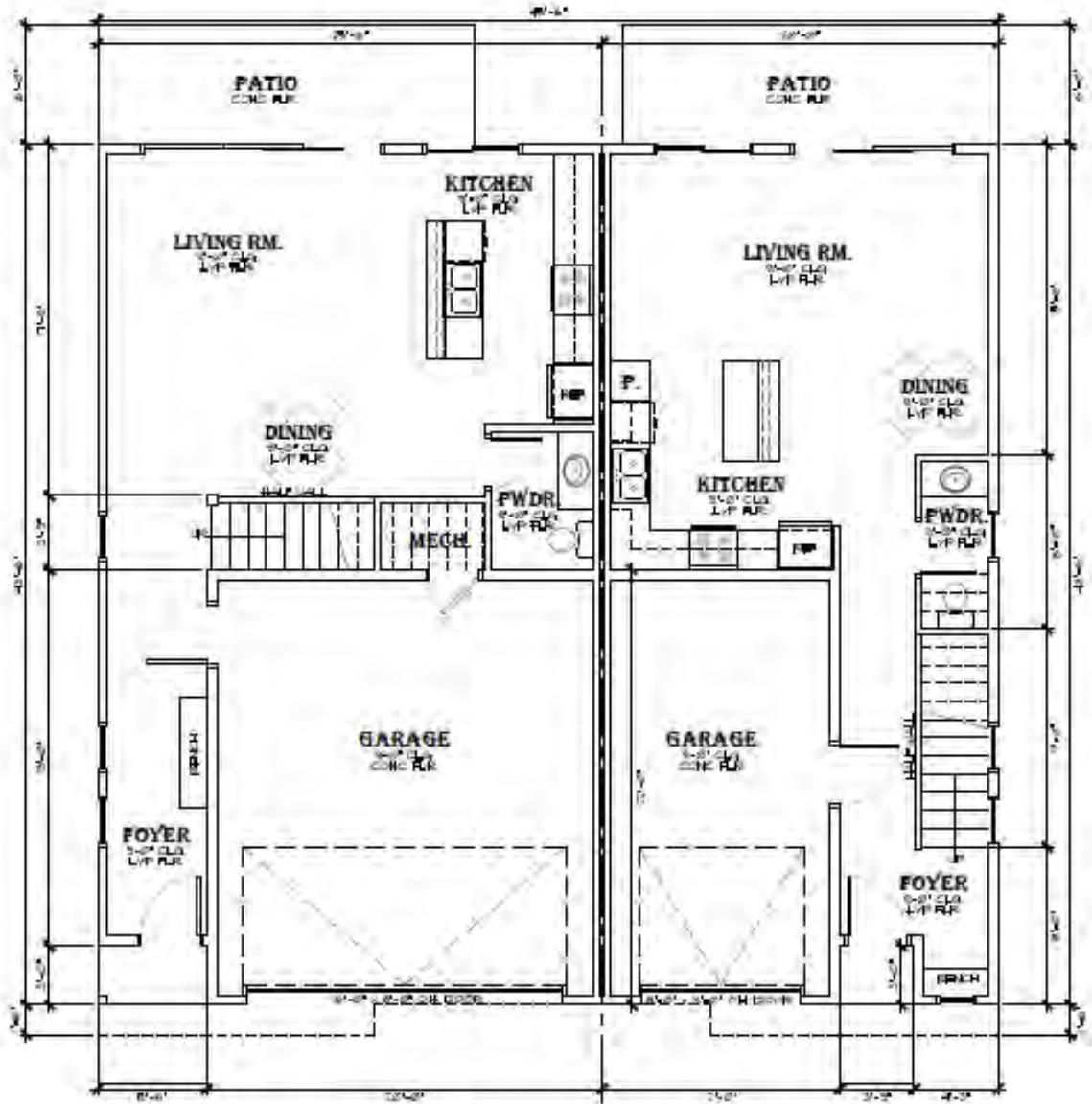
APPLICANT'S BUILDING ELEVATION – 3: Twin Home Right Side Elevation



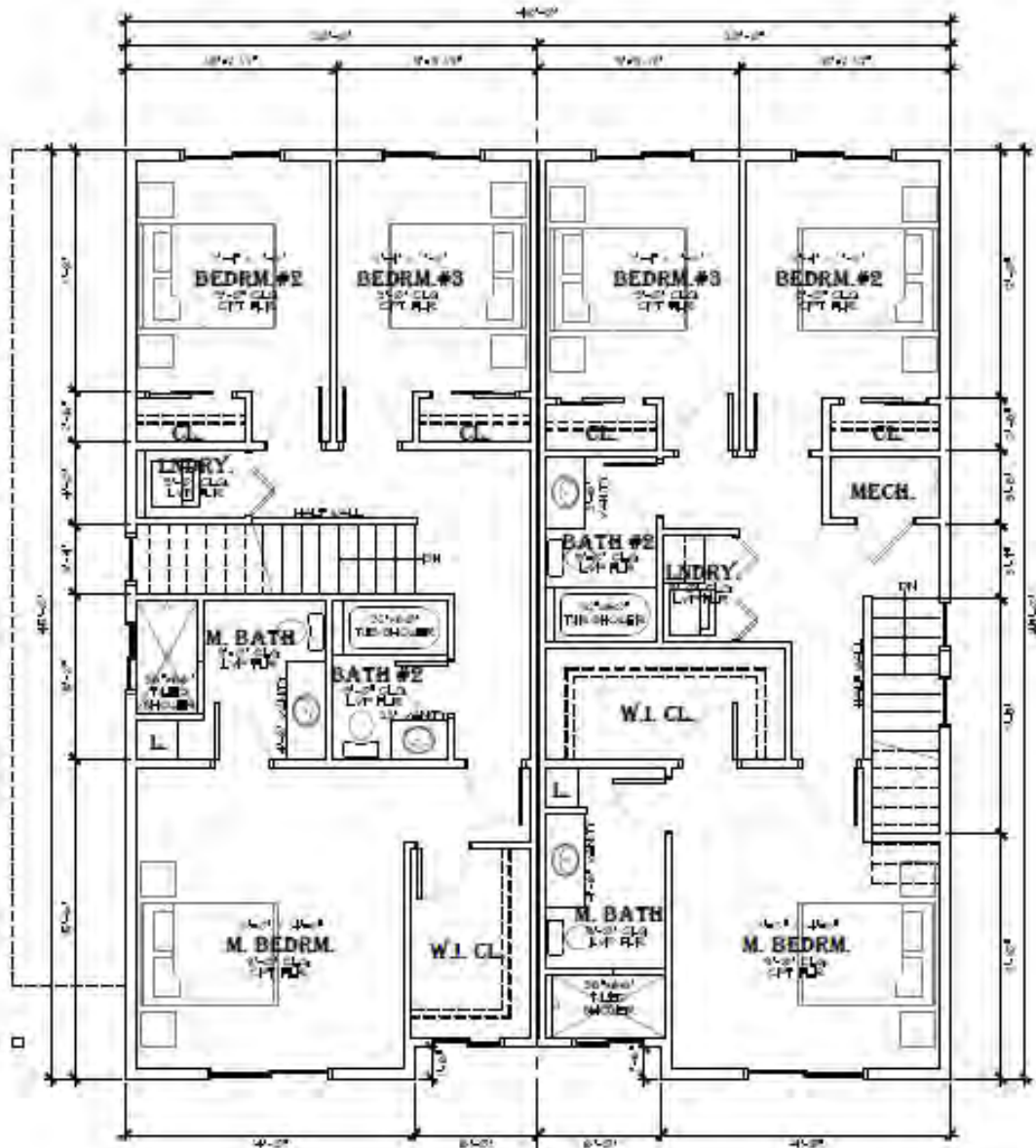
APPLICANT'S BUILDING ELEVATION – 4: Twin Home Left Side Elevation



APPLICANT'S FLOOR PLAN:- 5: Main Floor Twin Home



APPLICANT'S FLOOR PLAN:- 6: Upper Floor Twin Home



Evaluation: *The City Council must determine, based on the information before them, whether or not the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.*

Finding #B8C: The proposal (is) (is not) compatible with natural features of the site and adjoining properties.

The property has a slight elevation change from the center of the subject property tapering down west toward 17th Street. There are large trees along the perimeter of the property, particularly in the eastern portion of the property. The site is relatively flat with limited vegetation in the center and western half of the property. There is a single-family home and a few outbuildings. The natural features of the site are consistent with the natural features of the surrounding properties to the east, including the residential housing on larger parcels to the north, east, and south of the subject property. The neighborhood immediately west (including northwest and southwest) includes a mix of single-family homes, duplexes, pocket housing, and infill development with smaller lots. The properties to the north, east and south are larger lot single-family homes with outbuildings.

Evaluation: *The City Council must determine, based on the information before them, whether or not the proposal is compatible with natural features of the site and adjacent properties.*

Finding #B8D: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing public facilities and services.

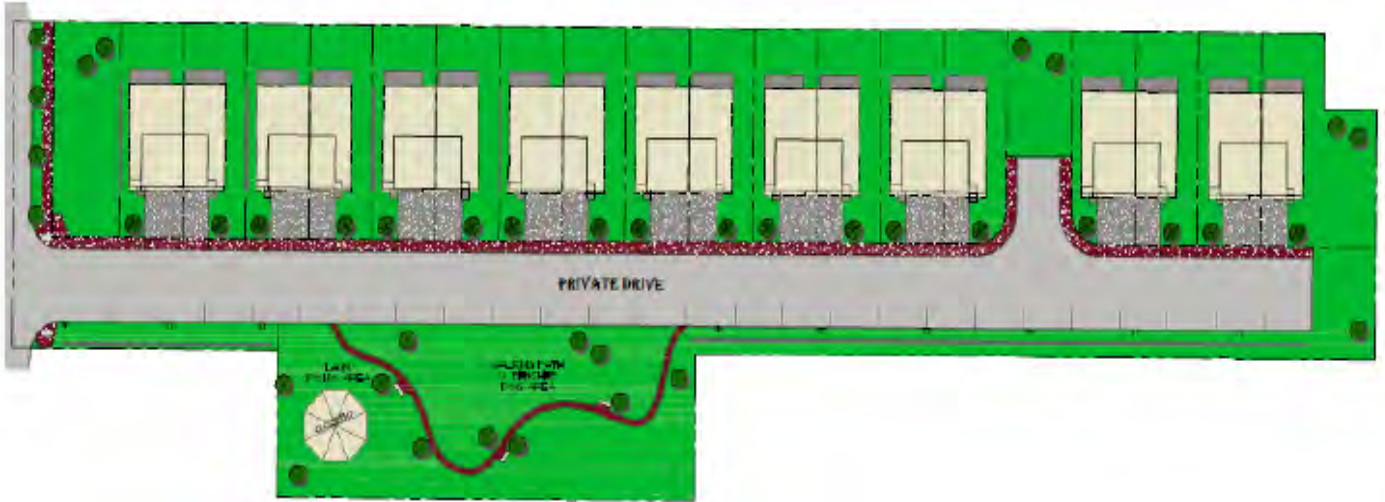
See staff comments which can be found in finding #B7B (Subdivision: pages 30-32).

Evaluation: *The City Council must determine, based on the information before them, whether or not the location, design, and size of the proposal are such that the development will be adequately served by existing public facilities and services.*

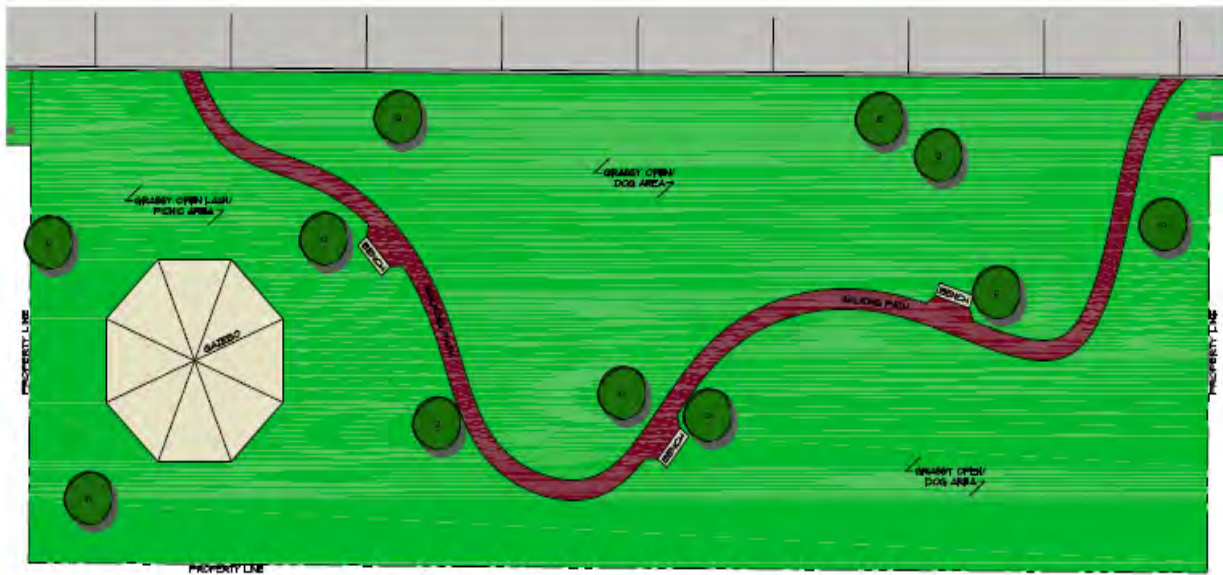
Finding #B8E: The proposal (does) (does not) provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.

The applicant is proposing 12,400 SF of open space or 12% that will be located in a tract known as "Tract B" on the preliminary plat. The open space amenities include a grassy area with a walking path, trees, shrubs and a picnic area with a gazebo in the open space tract. The applicant has indicated that the open space area will be maintained by the Homeowners' Association (HOA) and available for public use. Below is an excerpt from the applicant's narrative in regards to the proposed open space.

OPEN SPACE – SITE PLAN MAP:



OPEN SPACE EXHIBIT 1: Lawn shrubs, picnic area and walking path (SW Corner)



2 ENLARGED SOUTH OPEN SPACE
SCALE: 1" = 20'-0"

OPEN SPACE EXHIBIT: Example of gazebo and picnic area



In February of 2016, the Planning Commission held a workshop to discuss and better define the intent, functionality, use, types, required improvements, and other components of open space that is part of Planned Unit Development (PUD) projects. The workshop discussion was necessary due to a number of requested PUD's and the Planning Commission being asked to approve "usable" open space within a proposed development.

Per the Planning Commission Interpretation (Workshop Item I-1-16 Open Space) the below list outlines what qualifies as Open Space.

- ≥ 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

Evaluation: *The City Council must determine, based on the information before them, whether or not the proposal provides adequate private common open space area, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.*

Finding #B8F: Off-street parking (does) (does not) provide parking sufficient for users of the development.

There was no request made to change the City's off-street parking requirements through the PUD process. The twin homes would be required to provide two (2) off-street paved parking spaces per unit, which is consistent with code requirements for single-family and duplex residential. The applicant has proposed an additional 22 parallel parking spaces on the south side of the private road to help provide additional parking for resident's guests above the required off-street parking for the project.

Evaluation: *The City Council must determine, based on the information before them, whether or not the off-street parking provides parking sufficient for users of the development.*

Finding #B8G: That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.

The applicant/owner will be required to work with the City of Coeur d'Alene legal department on all required language for the CC&Rs, Articles of Incorporation and Bylaws, and any language that will be required to be placed on the final subdivision plat in regard to maintenance of all private infrastructure.

The HOA will be responsible for continued maintenance of the private infrastructure, roads, and all open space areas that serve the residential lots of this PUD.

Evaluation: *The City Council must determine, based on the information before them, whether or not the proposal provides for an acceptable method for the perpetual maintenance of all common property.*

S-3-22 SUBDIVISION FINDINGS:

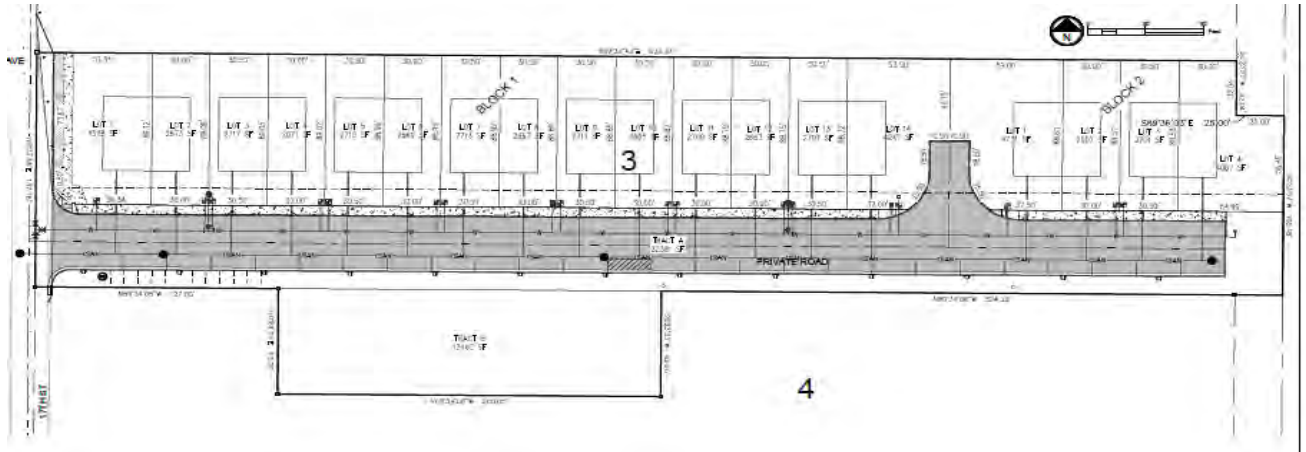
REQUIRED FINDINGS (Subdivision):

Finding #B7A: That all of the general preliminary plat requirements (have) (have not) been met as attested to by the City Engineer.

The preliminary plans submitted contains all of the general preliminary plat elements required by the Municipal Code.

-Submitted by Chris Bosley, City Engineer

PRELIMINARY PLAT FOR “KAUFMAN ESTATES”:



Evaluation: *The City Council must determine, based on the information before them, whether or not all of the general preliminary plat requirements have been met as attested to by the City Engineer.*

Finding #B7B: **That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities (are) (are not) adequate.**

STORMWATER:

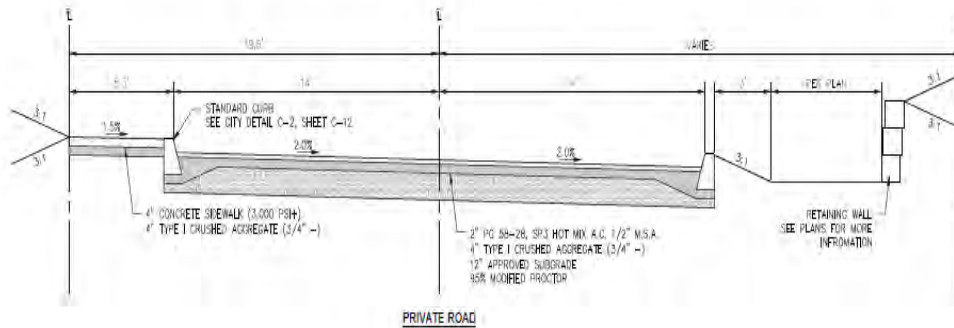
All stormwater must be contained on-site. A stormwater management plan meeting the requirements of the City is required

STREETS:

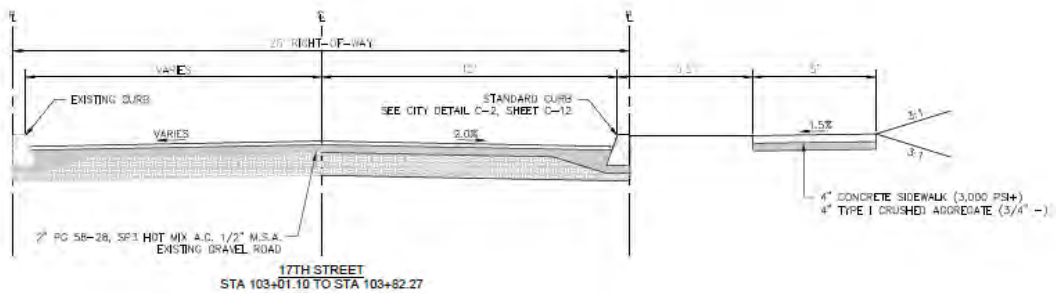
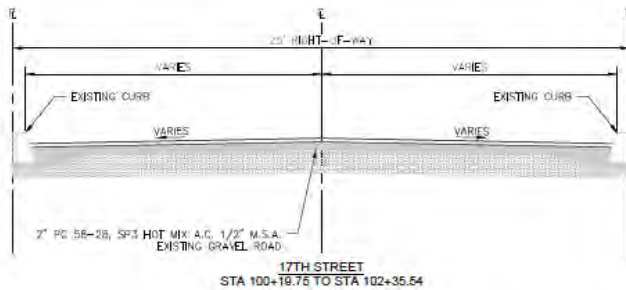
The site has frontage on 17th Street, a gravel street with concrete curb. Frontage improvements, including concrete curb, sidewalk, and asphalt paving, must be completed at the property. Additionally, 17th Street must be paved full width from Stiner Ave to Gilbert Ave to accommodate traffic. Right-of-way shall be dedicated to the City along the property’s 17th Street frontage to match the existing 25-foot right-of-way width that exists to the south. No on-street parking will be allowed on 17th Street and must be signed per City standards. This block of 17th Street does not include sidewalk, and although this proposed project would install sidewalk along its frontage, the existing 25’ right-of-way is a barrier to creating sidewalk connectivity to the north or south. Additional street lighting will be required per City Code to include illumination at the intersection with 17th Street and to ensure that all homes within the proposed development are within 300 feet of a street light. The Streets and Engineering Department has no objection to the proposed development.

-Submitted by Chris Bosley, City Engineer

Street Section (Private)



Street Section (17th Street)



TRAFFIC:

Traffic from the proposed residential development is estimated to generate a 10 AM and 13 PM Peak Hour Trips as estimated using the ITE Trip Generation Manual for Planned Unit Developments (Land Use Code 270). Though this will likely be a substantial increase from existing traffic on 17th Street, traffic volumes will remain relatively low. The Streets & Engineering Department has no objection to the subdivision plat and planned unit development as proposed.

-Submitted by Chris Bosley, City Engineer

WATER:

The public water system has adequate capacity to serve domestic, irrigation and fire flow to the proposed project. A 6" water main is located in N 17th Street.

-Submitted by Kyle Marine, Water Department Assistant Director

WASTEWATER:

1. Sewer Policy #719 requires an “All-Weather” surface permitting unobstructed O&M access to the city sewer.
2. Sewer Policy #716 requires all legally recognized parcels within the City to individually connect and discharge into (1) sewer connection.
3. Idaho Code §39-118 requires IDEQ or QLPE to review and approve public infrastructure plans for construction.
4. Sewer Policy #719 requires a 20’ wide utility easement (30’ if shared with Public Water) to be dedicated to the city for all City sewers if private roadway.
5. Cap any unused sewer laterals at the public main in 17th St.
6. Must maintain 10-foot separation between city sewer and city water mains.

-Submitted by Larry Parsons, Utility Project Manager

FIRE:

The Fire Department works with the Engineering, Water and Building 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 final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) 2018 Edition for compliance. The CD’A FD can address all concerns at site and building permit submittals with the corrections to the below conditions.

-Submitted by Bobby Gonder, Fire Inspector / MIAAI – CFI

POLICE:

The Police Department does not have an issue with the proposed development.

-Submitted by Lee White, Chief of Police

Evaluation: *The City Council must determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.*

Finding #B7C: **That the proposed preliminary plat (does) (does not) comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements.**

Per Engineering review, for the purposes of the preliminary plans, both subdivision design standards (Chapter 16.15) and improvement standards (Chapter 16.40) have been vetted for compliance.

-Submitted by Chris Bosley, City Engineer

Evaluation: *The City Council must determine, based on the information before them, whether the proposed preliminary plat does or does not comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

Finding #B7D: **The lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district.**

The R-12 zoning district requires that each lot have a minimum of 5,500 square feet of area for a single-family dwelling unit and 7,000 square foot (SF) minimum lot area for duplex housing, equating to 3,500 SF per duplex unit. The proposed lots range from 2,663 SF to 4,731 SF in area. As a twin home, each unit would be on its own lot with a shared wall. If the twin home lots/units were looked at as a duplex with a combined lot, the equivalent duplex lots would range from approximately 5,388 SF to 7,338 SF. The applicant has requested the reduction in lot area for the twin home lots through the PUD process and the zero lot line for side yard setbacks on one side. The Zoning Code does allow for townhouses to have zero side yard setbacks in the R-17 Zoning District. The twin home product type is not allowed outright in R-12 and must be requested through a PUD. The minimum lot frontage for R-12 lots is 50 feet. The applicant is requesting a reduction in this requirement to 30 feet per lot frontage.

The subject property is 2.3 acres and the R-12 zoning district would allow up to a maximum of 27 (duplex) units on this site. The applicant is proposing 18 twin homes on the site. The R-12 zoning district allows for a maximum density of 12 units per acre and this development proposed at a density of 7.8 units per acre. The requested deviations are due to the dimensional constraints of the site and not to obtain any density bonus. The overall residential density of the project will be consistent with the R-12 zoning code and will not exceed 12 dwelling units per gross acre.

Deviations requested:

- Lots fronting on a private street rather than a public street.
- Allow for twin home type construction in the R-12 Zoning District.
- Minimum Lot Area of 2,663 SF for a twin home unit rather than 3,500 SF.
 - Minimum lot size 2,663 SF per twin home unit
 - Maximum lot size 4,731 SF per twin home unit
 - Average lot size 3,035 SF per twin home unit
- Side Setback (interior) of 5' and 0' rather than 5' on one side and 10' on the other.
- Street Side Setback of 5' rather than 10'.
- Sidewalk on one side of street rather than sidewalks on both sides of street.
- 30-foot lot frontage for each twin home lot.

Evaluation: *The City Council must determine, based on the information before them, whether or not the lots proposed in the preliminary plat do or do not meet the requirements of the applicable zoning district*

ORDINANCES & STANDARDS USED FOR EVALUATION:

2042 Comprehensive Plan
Transportation 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
2018 Coeur d'Alene Trails Master Plan

PROPOSED CONDITIONS:

PLANNING:

1. The creation of a homeowner's association will be required to ensure the perpetual maintenance of the open space, all other common areas, stormwater maintenance and snow removal.
2. The applicant's requests for subdivision and PUD run concurrently. The subdivision and PUD designs are reliant upon one another. Additionally, approval of the requested PUD is only valid once the Final Development Plan has been approved by the Planning Department.
3. The open space must be installed and completed prior to the issuance of the first Certificate of Occupancy. The open space areas shall be consistent with this approval and include the same or better amenities and features.

STREETS AND ENGINEERING:

4. Right-of-way shall be dedicated to the City along 17th Street to match the existing 25-foot right-of-way width that exists to the south.
5. 17th Street frontage must be improved including concrete curb, sidewalk, and asphalt paving.
6. 17th Street must be paved full width from Stiner Ave to Gilbert Ave and No Parking signs added to both sides.

FIRE DEPARTMENT:

7. Fire hydrant locations approved as shown on plans.
8. Minimum street width is 20', 26' at fire hydrant locations.
9. NO-PARKING FIRE LANE sign installed in hammerhead.
10. Street sign stating 'Kaufman Lane.
11. Street sign stating 'Dead-end, no Outlet'.
12. Parking on south side of Kaufman Lane only.
13. 'No Parking' signs on north side of Kaufman Lane.

WASTEWATER:

- 14. Sewer Policy #719 requires an “All-Weather” surface permitting unobstructed O&M access to the city sewer.
- 15. Sewer Policy #716 requires all legally recognized parcels within the City to individually connect and discharge into (1) sewer connection.
- 16. Idaho Code §39-118 requires IDEQ or QLPE to review and approve public infrastructure plans for construction.
- 17. Sewer Policy #719 requires a 20’ wide utility easement (30’ if shared with Public Water) to be dedicated to the city for all City sewers if private roadway.
- 18. Cap any unused sewer laterals at the public main in 17th St.
- 19. Must maintain 10-foot separation between city sewer and city water mains.

WATER:

- 20. The installation of any required water main extensions, additional fire hydrants and new services will be the responsibility of the owner/developer at their expense. A minimum 20’ public utility easement for any water main extension onto private property including fire hydrants is required. No permanent structures such as building foundations are allowed within the easement. Capitalization fees will be due for domestic, irrigation and/or fire services at the time of building permits.

ACTION ALTERNATIVES:

The City Council must consider this request and make appropriate findings to:

- Approve
- Approve with additional conditions
- Refer back to the Planning Commission
- Deny, or
- Deny without prejudice.

Alternatively, the City Council may defer action on the request until the next scheduled hearing in order to review additional information that it deems necessary in order to render a final decision.

NOTE: Two separate motions are required – one for the PUD request and one for the Subdivision request. The City Council will need to make full findings for both items if it elects to approve of the request. If City Council denies the requests, it can expressly adopt some or all of the Planning Commission’s findings.

ACTION ALTERNATIVES:

Planned Unit Development: 17.09.125

C. City Council Action: The city council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The city council may approve, conditionally approve, refer back to the planning commission, deny or deny without prejudice. If the proposal is approved by the city council, the city attorney will prepare the documents to enact the zone change or text change ordinance. The city council also may defer action upon the consent of the applicant. A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. If the proposed amendment is referred back to the commission, the commission shall hold a public hearing as prescribed in section 17.09.120 of this chapter, and shall render a report to the

city council within forty (40) days of such referral and the city council shall then hold a public hearing as prescribed in this section. (Ord. 3127 §18, 2003: Ord. 3025 §17, 2001: Ord. 1917 §1, 1985: Ord. 1844 §4, 1984: Ord. 1691 §1(part), 1982)

Subdivision: 16.25.050.

B. The city council will, after notice as prescribed in subsection 17.09.120B of this code, hold a de novo public hearing on the proposal. The city council may approve, conditionally approve, deny or deny the request without prejudice. Alternatively, the city council may defer action on the request until the next scheduled hearing in order to review additional information that it deems necessary in order to render a final decision. In order to approve a preliminary plat request the city council must make the findings contained in section 16.25.030 of this chapter.

Attachments:

Applicant's Administrative Appeal Application

Applicant's Application and Narrative

Public Comments

Meeting Minutes from the August 8, 2023 Planning Commission Meeting

Findings and Order from the August 8, 2023 Planning Commission Meeting

Applicant's Appeal



ADMINISTRATIVE APPEAL APPLICATION

STAFF USE ONLY
 Date Submitted: 8/23/23 Received by: SS Fee paid: 700.00 Project # _____

REQUIRED SUBMITTALS

Design Review Appeal: \$500.00
Planning Commission/Administrative: \$700.00

A **COMPLETE APPLICATION**, as determined by the Planning Department, is required at time of submittal. Application forms can be obtained at <http://cdaid.org/1105/departments/planning/application-forms>.

DEADLINE FOR SUBMITTALS

The completed form must be submitted to the Planning Department not later than ten (10) days following the date of the decision, administrative action, or interpretation to be appealed.

- Completed application form
- Information that may be required to facilitate review
- Fee \$700.00

PAID
AUG 23 2023
 CITY OF COEUR D ALENE

NATURE OF APPEAL:

PROJECT NAME: KAUFMAN ESTATES
ADDRESS: 2810 N 17 TH ST
DATE OF DECISION OR OTHER ACTION: AUGUST 8, 2023
PROJECT NUMBER: S-5-23 AND PUD-1-23

- Appeal of Design Review Commission's decision, administrative action, or interpretation (Action Appeal)
- Appeal of Planning Commission's decision, administrative action, or interpretation (Action Appeal)

APPELLANT INFORMATION:

**Please attest that you have standing to appeal the project. This means that you are: 1) a resident of the City of Coeur d'Alene; 2) a person having an interest in real property in the City of Coeur d'Alene; and/or 3) a person with an interest in real property located within three hundred feet (300') of the external boundaries of the land subject to the decision or other action.*

NAME: TODD KAUFMAN		
MAILING ADDRESS: 3389 E HARRISON AVE		
CITY: COEUR D'ALENE	STATE: ID	ZIP: 83814
PHONE:	FAX:	EMAIL:

APPLICATION INFORMATION:

PROPERTY OWNER: TODD KAUFMAN		
PROPERTY ADDRESS: 2810 N 17 TH ST		
CITY: COEUR D' ALENE	STATE: ID	ZIP: 83814
PHONE:	FAX:	EMAIL:

APPEAL JUSTIFICATION:

State specifically the nature of the appeal.

You must state specifically your objection(s) to the decision or other action, stating whether you believe there was an abuse of discretion and/or whether you believe the decision or other action was not supported by the evidence. You must include any information that supports your contentions in order to facilitate review. Please fill out all boxes below.

1. State the basis of your appeal (abuse of discretion, lack of evidence, etc.): (Required)

The discretion used by The Planning Commission was biased towards members of the public that were opposed to the request.

2. Identify the decision or action you believe was in error: (Required)

Finding B8B of PUD, The design and planning of the site is not compatible with the location, setting and existing uses on adjacent properties, was determined using a biased perspective as mentioned above. The subsequent subdivision was therefore determined to be not in compliance with municipal code as these were the deviations from code that were being requested in the PUD

3. State the information that supports your appeal (e.g., evidence of record that does not support the decision, findings, etc.):

During the public hearing the city attorney provided definitional clarity regarding the words "adjacent" and "abutting".
Many of the members of the public that were opposed to the proposal would be considered adjacent property owners,
however, it was presented that there are several developments of similar size and density that would also be considered
adjacent to the subject property. This appeared to be a manipulation of the term "adjacent" to the benefit of the
opposition while disregarding the existing infill developments that are closer in proximity to the subject parcel than
many of the nearby property owners that objected to the proposal.

TODD KAUFMAN certify that I have standing to appeal the decision.
(Name of Appellant)

Dated this 18th day of August, 2023

Todd Kaufman
Signature

Subscribed and sworn to before me this 17th day of August, 2023

Phillip West

Notary Public for State of Idaho

Residing at: 3110 N. Government Way

My commission expires: 11-01-24



Applications

PUD-1-23

S-5-23

Kaufman Estates



PLANNED UNIT DEVELOPMENT APPLICATION

STAFF USE ONLY
Date Submitted: _____ Received by: _____ Fee paid: _____ Project # _____

REQUIRED SUBMITTALS

Application Fee: \$1,200.00
Publication Fee: \$300.00
Mailing Fee: \$6.00 per hearing

**Public Hearing with the Planning Commission required*

A **COMPLETE APPLICATION** is required at time of application submittal, as determined and accepted by the Planning Department located at <http://cdaid.org/1105/departments/planning/application-forms>.

- Completed application form**
- Application, Publication, and Mailing Fees**
- A report(s) by an Idaho licensed Title Company:** Owner's list and three (3) sets of mailing labels with the owner's addresses prepared by a title company, using the last known name/address from the latest tax roll of the County records. This shall include the following:
 1. All property owners within 300ft of the external boundaries. ** Non-owners list no longer required**
 2. All property owners with the property boundaries.
- A report(s) by an Idaho licensed Title Company:** Title report(s) with correct ownership easements, and encumbrances prepared by a title insurance company and a copy of the tax map showing the 300ft mailing boundary around the subject property. The report(s) shall be a full Title Report and include the Listing Packet.
- A written narrative:** Including an overall description of the location and intensity of proposed uses/activities, public and private open spaces. **(SEE PG. 4-5 FOR DETAILED LIST)**
- A legal description:** map stamped by a licensed Surveyor.
- A plan set map:** Providing PUD request, development plans and a phasing schedule. The respective elements of the development plans that will affect such items as the existing and proposed infrastructure, improvements, building, and landscaping and drawings fully conveying the project.

DEADLINE FOR SUBMITTALS

The Planning Commission meets on the second Tuesday of each month. The completed form and other documents must be submitted to the Planning Department not later than the first working day of the month that precedes the next Planning Commission meeting at which this item may be heard.

PUBLIC HEARING NOTICE SIGN TO BE POSTED ON SUBJECT PROPERTY:

The applicant is required to post a public hearing notice, provided by the Planning Department, on the property at a location specified by the Planning Department. This posting must be done one (1) week prior to the date of the Planning Commission meeting at which this item will be heard. An affidavit testifying where and when the notice was posted, by whom, and a picture of the notice posted on the property is also required and must be returned to the Planning Department.

APPLICATION INFORMATION

PROPERTY OWNER: <u>TODD KAUFMAN</u>		
MAILING ADDRESS: <u>3389 E HARRISON AVE</u>		
CITY: <u>COEUR D'ALENE</u>	STATE: <u>ID</u>	ZIP: <u>83814</u>
PHONE:	FAX:	EMAIL:
APPLICANT OR CONSULTANT: <u>OLSON ENGINEERING</u>		STATUS: <u>ENGINEER</u> OTHER
MAILING ADDRESS: <u>PO BOX 1894</u>		
CITY: <u>POST FALLS</u>	STATE: <u>ID</u>	ZIP: <u>83877</u>
PHONE: <u>208.651.4152</u>	FAX:	EMAIL: <u>jt@oecivil.com</u>

FILING CAPACITY

- Recorded property owner as to of _____
- Purchasing (under contract) as of _____
- The Lessee/Renter as of _____
- Authorized agent of any of the foregoing, duly authorized in writing. (Written authorization must be attached)

SITE INFORMATION:

PROPERTY LOCATION OR ADDRESS OF PROPERTY: <u>2810 N 17TH ST</u>		
EXISTING CITY ZONING (CHECK ALL THAT APPLY): R-1 <input type="checkbox"/> R-3 <input type="checkbox"/> R-5 <input type="checkbox"/> R-8 <input type="checkbox"/> R-12 <input checked="" type="checkbox"/> R-17 <input type="checkbox"/> MH-8 <input type="checkbox"/> NC <input type="checkbox"/> C-17 <input type="checkbox"/> C-17L <input type="checkbox"/> DC <input type="checkbox"/> LM <input type="checkbox"/> M <input type="checkbox"/> NW <input type="checkbox"/>		
PROPOSED OPEN SPACE/ACRES: <u>.3 ACRES</u>	TOTAL NET AREA (LAND EXCLUSIVE OF PROPOSED/EXISTING PUBLIC STREETS): <u>2.3 ACRES</u>	TOTAL NUMBER OF LOTS: <u>18</u>
GROSS AREA/ACRES:	CURRENT LAND USE: <u>VACANT</u>	PROPOSED RESIDENTIAL DENSITY/PER DWELLING UNIT: <u>8 UNITS/ACRE</u>
DESCRIPTION OF PROJECT/REASON FOR REQUEST: <u>TWINTHOME PRODUCT IS NOT AVAILABLE IN R-12 ZONING</u> <u>PRIVATE STREET</u>		
PROPOSED USES AND ACTIVITIES: <u>RESIDENTIAL / w/ PARK AREA</u>		

PHYSICAL LAND ALTERATION REQUIRED BY DEVELOPMENT: <u>EXCAVATION AND INSTALLATION OF</u>
<u>INFRASTRUCTURE</u>

CERTIFICATION OF APPLICANT:

I, JERAMIE TERZULLI, being duly sworn, attests that he/she is the applicant of
 (Insert name of applicant)

this request and knows the contents thereof to be true to his/her knowledge.

Signed: [Signature]
 (applicant)

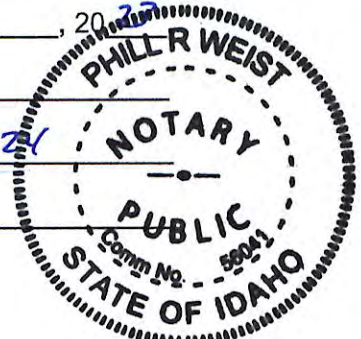
Notary to complete this section for applicant.

Subscribed and sworn to me before this 30th day of MAY, 2023

Notary Public for Idaho Residing at: 3110 N. Government Way

My commission expires: 11-01-24

Signed: [Signature]
 (notary)



CERTIFICATION OF PROPERTY OWNER(S) OF RECORD:

I have read and consent to the filing of this application as the owner of record of the area being considered in this application.

Name: TODD KAUFMAN Telephone No.: 208-762-0235

Address: 3110 N. Government Way CoA, ID 83815

Signed by Owner: [Signature]

Notary to complete this section for all owners of record:

Subscribed and sworn to me before this 30th day of MAY, 2023.

Notary Public for Idaho Residing at: 3110 N. Government Way

My commission expires: 11-01-24

Signed: [Signature]
 (notary)



I (We) the undersigned do hereby make petition a planned unit development of the property described in this petition, and do certify that we have provided accurate information as required by this petition form, to the best of my (our) ability.

Be advised that all exhibits presented will need to be identified at the meeting, entered into the record, and retained in the file.

DATED THIS 31ST DAY OF MAY 20 23

APPLICATION NARRATIVE/SITE MAPS INCLUDE:

1. Application and narrative containing:
 - The legal description of the property.
 - An overall description of the location and intensity of proposed uses and activities, including public and private open spaces.
 - A physical description of proposed facilities, including types of buildings, structures and landscape and circulation elements.
 - A general designation of utilities.
 - A general statement on the form of management proposed in areas of common ownership.
 - A statement detailing the relationship of the proposed development project with major public development programs, including but not limited to freeways, highways, parks, trails, open spaces, utility transmission lines and other major public facilities.

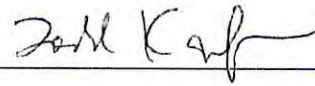
2. A set of scaled drawings of the entire development prepared by an Engineer/Architect/Landscape Architect and indicating the following:
 - Perimeter boundaries of the site.
 - Streets and driveways, sidewalks and pedestrian-ways, off-street parking and loading areas.
 - Location and dimension of buildings and structures.
 - Utilization of buildings and structures, including activities and number of living units.
 - Reservations for public uses, including schools, parks, playgrounds, and other open spaces.
 - Major landscaping features and preliminary location of water sewage and drainage facilities.
 - Artists or architectural renderings sufficient to clearly establish the scale, character and general appearance of the development.

3. Preliminary development schedule indicating:

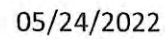
- Anticipated timing for commencement and completion of each phase of development.
- The total number of acres in each phase.
- The percentage of acreage to be devoted to particular uses.
- The proposed number and type of dwelling units for each phase of development.
- The average residential density per gross acre for each phase of development.

To whom it may concern,

This document is to grant authorization for OLSON ENGINEERING to act on behalf of TODD KAUFMAN for land use processes in the City of Coeur d'Alene, Idaho. The property in question is commonly known as 2810 N 17th St Coeur d'Alene, Idaho (AIN 133976)

A handwritten signature in black ink, appearing to read "Todd Kaufman", written over a horizontal line.

Authorized Agent

A handwritten date "05/24/2022" written in black ink over a horizontal line.

Date

Project Narrative
Kaufman Estates
Planned Unit Development



Prepared by:
Olson Engineering
PO Box 1894
Post Falls, ID 83877

Legal Description

All of Lot 3 and the North 13 feet of Lot 4 in Thomas Park Addition, Kootenai County, State of Idaho, according to the plat recorded in Book "B" of Plats, page 142. Together with that portion vacated 19th Street running along the East line of the herein above described property, by Ordinance No. 2129, which attaches by operation of law, recorded May 11, 1988 and Instrument No. 1116584 Also together with the South 62 feet of the North 75 feet of the East 200 feet of the West 327 feet of Lot 4 in Thomas Park Addition, Kootenai County, State of Idaho, according to the plat recorded in Book "B" of Plats, page 142.



**2810 N 17th St.
Coeur d'Alene, ID 83815**

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF.

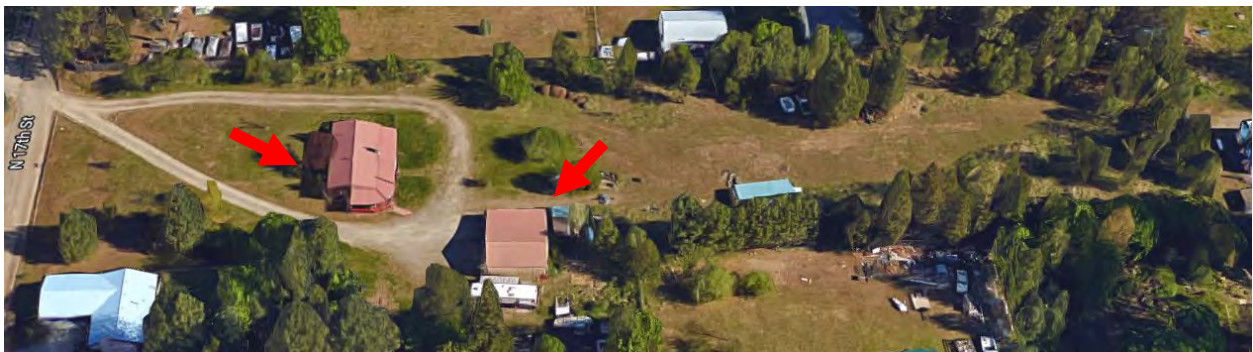
Project Overview

Project Location

The subject property is located at 2810 N 17th St in Coeur d' Alene, south of E Stiner Ave. The property is south of Nettleton Gulch Rd in the area known as the Thomas Park Addition.

Site Conditions

The site is approximately 2.3 acres in size with an existing single-family dwelling and accessory structure (shop) positioned about 200 feet from 17th St. The property is gently sloped with native trees scattered near the perimeter. The neighborhood contains a mix of housing, mostly aging homes on ¼ acre lots, although some homes are on larger parcels. The home on the property is currently in a state of disrepair and has reached its useful life.



Existing Zoning

The property is currently zoned R-12. The city of Coeur d' Alene generally describes the R-12 zoning designation as follows:

"The R-12 District is intended as a residential area that permits a mix of housing types at a density not greater than twelve (12) units per gross acre."

Surrounding Zoning

R-12

Future Land Use Map Designation

The property is situated in an area designated as Compact Neighborhood in the City's Comprehensive Plan.

"Compact Neighborhood places are medium density residential areas located primarily in older locations of Coeur d'Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family homes, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts."

This proposal is consistent with the recently adopted future land use map.

Zoning Code (Reference PUD Preliminary Plat)

The City's zoning code does not have standards for townhome or twin-home design within the R-12 zoning classification. Twin-home design standards are outlined within the R-17 zoning classification. This PUD proposal is based exclusively on adapting the R-17 twin home design standards (**17.05.320**) to this project. The overall residential density of the project will be 7.8 units per acre, which is far less than the density allowed by code.

Comprehensive Plan

This proposal is supported by the comprehensive plan in several areas of the policy framework sections.

“The Policy Framework is a combination of new and existing goals, objectives and actions that were identified through the Envision Coeur d’Alene planning process and those found in the existing 2007 Comprehensive Plan. This blend of what works now with the existing Comprehensive Plan with new ideas from the community provides guidance for future decision making.”

Growth and Development

“Future growth is focused on improving our city’s livability by planning for a mix of land uses that are walkable, access to attainable housing options, employment opportunities, healthcare, quality schools and recreation. Neighborhoods include a variety of housing options and services where residents can walk or bike to cafes, shops, services, jobs, and open spaces.”

OBJECTIVE GD 1.1

“Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.”

Land Use and Design

Compact Neighborhood- Key Characteristics

“Compact Neighborhood places are medium density residential areas located primarily in older locations of Coeur d’Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family, duplexes, triplexes, fourplexes, townhomes, green courts, and auto-courts. Supporting uses typically include neighborhood parks, recreation facilities, and parking areas.”

The City’s Comprehensive Plan is clear in its understanding of the need for attainable housing solutions community wide. Kaufman Estates will be a housing

option that can help fill the needs of Coeur d'Alene's work force and is supported throughout the plan.

Coeur Housing

The City's efforts to develop supplementary code to address the rising cost of housing throughout the community is ongoing. Based on the available data, the Kaufman Estates development is in alignment with the main Coeur Housing objectives:

- Neighborhood context
- Scale
- Walkable/Bikeable

Development Plan

The existing structures on the site will be demolished and removed in preparation for development.

It is anticipated that if approved, the project would be completed in a single phase.

Housing Type (Reference Architectural Plans, Sheets A2.1, A3.1)

The housing type being proposed for the project is commonly referred to as a twin-home. This product closely resembles a duplex with the shared wall of the structure acting as one of the property lines. Each unit is served by its own utilities and can be bought and sold as real property allowing for greater affordability. The proposed design is for one of the units in each structure to contain a one-car garage with a smaller overall footprint, while the other unit will be larger and contain a two-car garage. These revisions have been made to provide two price points within the development while reducing density from the previous proposal.

Streets (Reference Improvement Plans Sheets C-2, C-3, C-4, C-5)

The development will be served by a single, private road with an emergency vehicle turnaround toward the east side of the property (hammerhead). The north side of the street will have a sidewalk and the south side of the street will provide 20+ additional parallel parking stalls. The internal private street will be designed to sheet drain stormwater to the south where it will be treated in streetside swales.

Dedication of land for public right-of-way will occur along 17th St and improvements of this section of roadway will be performed as part of the project as shown on the preliminary plans.

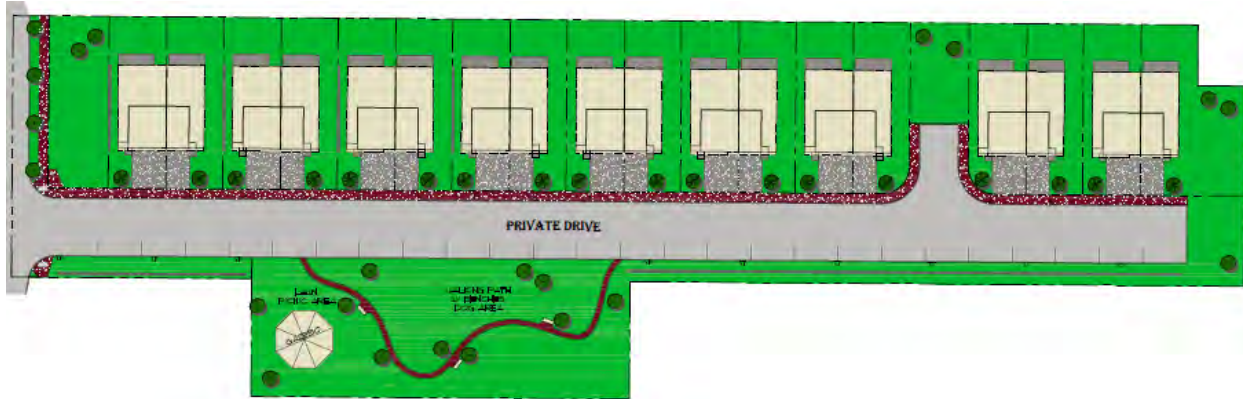
Utilities (Reference Sheet C-8)

The City of Coeur d'Alene will provide water and sanitary sewer for the project and the development team has been communicating with these departments throughout the design phase.

Electricity, natural gas, phone, and cable are currently available to the site. Coordination with utility providers is ongoing.

Open Space

As shown on the preliminary improvement plans, 12,400 sq ft of open space is being provided in the area labeled Tract B in the Improvement Plans. This area exceeds the required 10% dedication, as it represents 12% of the entire parcel, including the private road. Open space will be a combination of lawn, walking path, trees, shrubs, and a picnic area. The area will be maintained by an HOA and will be open to the public. Snow storage and stormwater treatment areas are not included in the open space.



Homeowners Association

Kaufman estates will require an HOA be formed in order to govern the standards for the subdivision. This document will also include a road maintenance agreement and an open space maintenance agreement.

Photos



Looking West



Looking East





**COMMITMENT FOR TITLE INSURANCE
ISSUED BY
CHICAGO TITLE INSURANCE COMPANY**

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within 180 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.





CHICAGO TITLE INSURANCE COMPANY

- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

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ALTA Commitment for Title Insurance 8-1-16

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Page 2 of 8





CHICAGO TITLE INSURANCE COMPANY

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

Countersigned:

Nikki Droll
Kootenai County Title Company
1450 Northwest Boulevard
Suite 200
Coeur d'Alene, ID 83814

CHICAGO TITLE INSURANCE COMPANY

By:
Michael J. Neldin
President

ATTEST:
Marjorie Thompson
Secretary

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ALTA Commitment for Title Insurance 8-1-16

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CHICAGO TITLE INSURANCE COMPANY

Transaction Identification Data for reference only:

Issuing Agent: Kootenai County Title Company
 Issuing Office: 1450 Northwest Boulevard, Suite 200, Coeur d'Alene, ID 83814
 ALTA® Universal ID: 1068807
 Loan ID Number:
 Issuing Office File Number: KT-500839
 Commitment Number: KT-500839
 Revision Number:
 Property Address: 2810 North 17th Street, Coeur d'Alene, ID 83815

SCHEDULE A

1. Commitment Date: 05/05/2023 at 5:00 PM
2. Policy to be issued:

(a) ALTA Owner's Policy	\$10,000.00	Premium \$175.00
-------------------------	-------------	------------------

PROPOSED INSURED: **To Be Determined**

3. The estate or interest in the Land described or referred to in this Commitment is: fee simple.
4. Title to the fee simple estate or interest in the Land is at the Commitment Date vested in:
 Todd P. Kaufman and Annie Kaufman, husband and wife
5. The Land is described as follows:
 Property description set forth in "Exhibit A" attached hereto and made a part hereof.

CHICAGO TITLE INSURANCE COMPANY
 By its Issuing Agent Kootenai County Title Company

Nikki Droll
Authorized Signatory

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**SCHEDULE B, PART I
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. The Owners Policy contemplated hereby is an ALTA standard coverage Owners Policy, in which General Exceptions 1 through 6 shall remain on the final Policy. Any requests to delete any or all of said Exceptions shall require additional approval, Requirements and/or Exceptions, and incur an additional premium.
6. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid. An Owner's policy shall be issued for not less than (1) the amount of the current sales price of the land and any existing improvements appurtenant thereto, or (2) if no sale is to be made, the amount equal to the value of the land and any existing improvements at the time of issuance of the policy. A Loan policy shall be for not less than (a) the full principal amount of the indebtedness secured by the insured mortgage and may include up to 20% in excess thereof to cover foreclosure costs, etc., or (b) if the indebtedness is secured by other collateral, then for not less than the unencumbered value of the land or the amount of the loan, whichever is the lesser. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.

We find the following conveyances within and/or immediately prior to the past 24 months:

A. Warranty Deed, by and between Ronald L. Wagner, as Personal Representative of the Estates of Christine Lola Wagner and Daniel Otto Wagner, as grantor, and Todd P. Kaufman and Annie Kaufman, as grantee, recorded February 2, 2022 as Instrument No. [2885213000](#), records of Kootenai County, Idaho.

7. We find the following judgments and/or liens against the proposed purchaser(s) / borrower(s) {borrower_name}:

None

8. We find the following address to be associated with the Land described herein:

2810 North 17th Street
Coeur d'Alene, ID 83815

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**SCHEDULE B, PART II
Exceptions**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the Public Records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by Public Records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments of real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. Property taxes and assessments for the year 2022, which are a lien, of which the 1st installment is due December 20, 2022, and the 2nd installment is due June 20, 2023 (amounts may not include all penalties and interest if delinquent):

1st Installment: \$2,110.49, paid
2nd Installment: \$0.00, due and payable
Parcel No.: C9045000003A
AIN.: 133976
8. Property taxes and assessments for the year 2023, which are a lien, not yet due or payable.

Parcel No.: C9045000003A
AIN.: 133976
9. Assessments of the City of Coeur d'Alene.
10. Easements for and right, title and interest of the public in and to the road right of way commonly known as 17th Street, including utilities lying therein or adjacent thereto.

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CHICAGO TITLE INSURANCE COMPANY

11. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Purpose: existing rights of way and easements of any lot owner or public utility
Recorded: May 11, 1998
Instrument No.: [1116584](#) , records of Kootenai County, Idaho.

END OF SCHEDULE B

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ALTA Commitment for Title Insurance 8-1-16

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EXHIBIT A
Property Description

Issuing Office File No.: KT-500839

All of Lot 3 and the North 13 feet of Lot 4 in THOMAS PARK ADDITION, Kootenai County, State of Idaho, according to the plat recorded in Book "B" of Plats, page 142.

TOGETHER with that portion vacated 19th Street running along the East line of the herein above described property, by Ordinance No. 2129, which attaches by operation of law, recorded May 11, 1988 and Instrument No. 1116584

ALSO TOGETHER with the South 62 feet of the North 75 feet of the East 200 feet of the West 327 feet of Lot 4 in Thomas Park Addition, Kootenai County, State of Idaho, according to the plat recorded in Book "B" of Plats, page 142.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

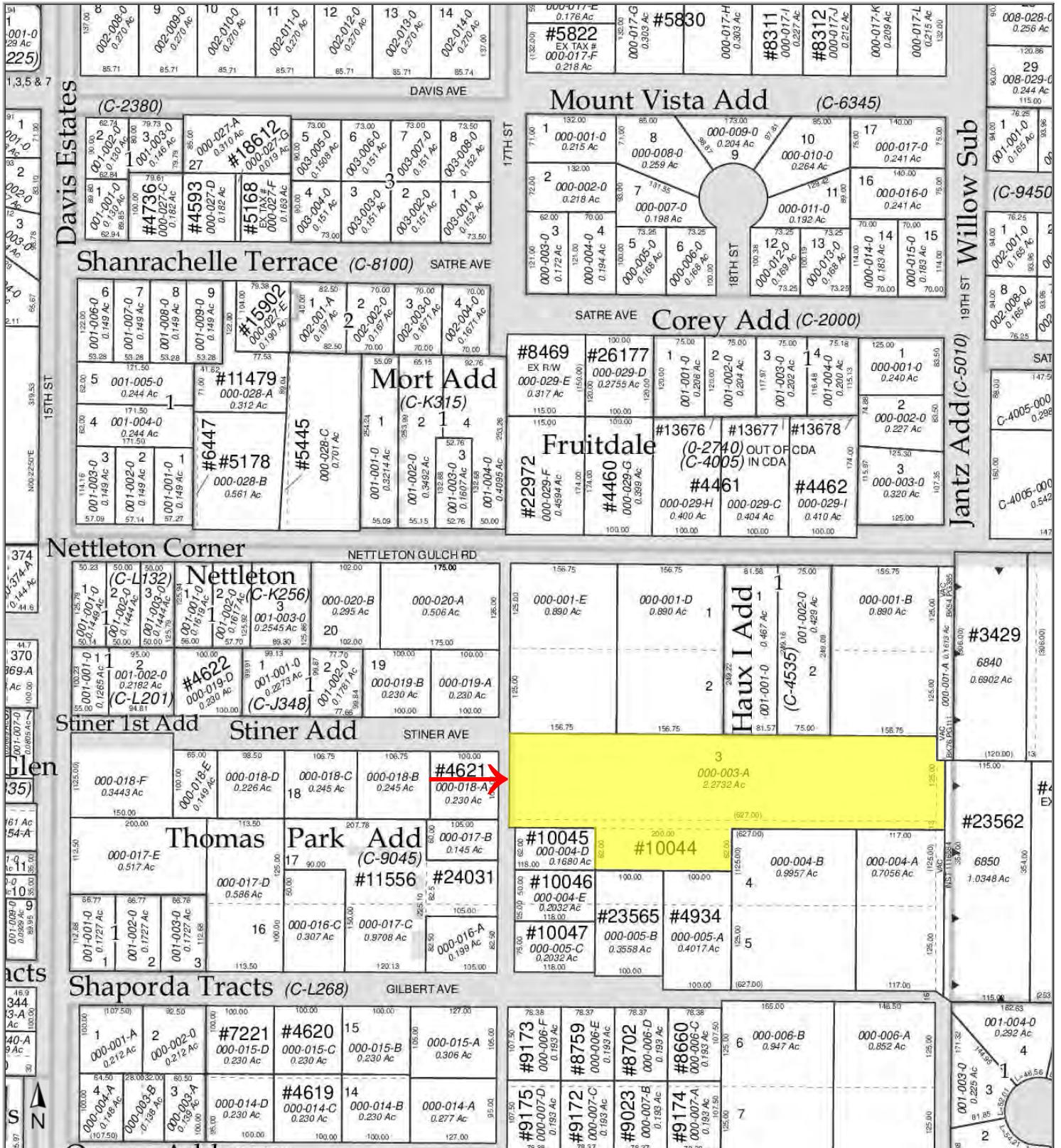
ALTA Commitment for Title Insurance 8-1-16

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Page 8 of 8





1450 Northwest Blvd Ste 200 Coeur d'Alene, ID 83814
 Phone: (208)667-9431 Fax: (208)208-666-0410

ParcelID: C904500003A
Tax Account #: 133976
2810 N 17th St, Coeur D Alene ID 83815

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



SUBDIVISION APPLICATION

STAFF USE ONLY
Date Submitted: _____ Received by: _____ Fee paid: _____ Project # _____

REQUIRED SUBMITTALS

**Application Fee: \$2,000.00 (up to 5 lots)
+ \$50.00 (per lot above 5)**
Publication Fee: \$300.00
Mailing Fee: \$6.00 per hearing

**Public hearing required with the Planning Commission*

Complete Pre-Application Meeting: Six weeks prior to the formal submittal of a subdivision application, you must apply for and attend a pre-application meeting which will provide an opportunity to receive feedback from city staff. Prior to the meeting a sketch plan map and a written description of the project will need to be provided. Note: that the six weeks begins on the date of your initial pre-application meeting. Once you have completed the pre-application process you may submit a subdivision application.

A **COMPLETE APPLICATION** is required at time of application submittal, as determined and accepted by the Planning Department located at <http://cdaid.org/1105/departments/planning/application-forms>.

- Completed application form**
- Application, Publication, and Mailing Fees**
- A report(s) by an Idaho licensed Title Company:** Owner's list and three (3) sets of mailing labels with the owner's addresses prepared by a title company, using the last known name/address from the latest tax roll of the County records. This shall include the following:
 1. All property owners within 300ft of the external boundaries. * **Non-owners list no longer required***
 2. All property owners with the property boundaries.
- A report(s) by an Idaho licensed Title Company:** Title report(s) with correct ownership easements, and encumbrances prepared by a title insurance company and a copy of the tax map showing the 300ft mailing boundary around the subject property. The report(s) shall be a full Title Report and include the Listing Packet.
- A written narrative:** describing the proposal.
- A legal description:** map stamped by a licensed Surveyor.
- A vicinity map:** see City of Coeur d' Alene subdivision ordinance for specific information required.
- A map:** One (1) tentative platting map (see attached checklist for specific information required): and an electronic map that can be scaled to an 8 1/2 X 11" format.
- A map:** inclusion of plat map showing street names approved and stamped by the Kootenai County Planning department.

Preparation of certain documents necessary to obtain Final Plat approval, if prepared by the City Legal Department, will be billed to the Applicant at a rate of \$75.00 per hour.

DEADLINE FOR SUBMITTALS

The Planning Commission meets on the second Tuesday of each month. The completed form and other documents must be submitted to the Planning Department not later than the first working day of the month that precedes the next Planning Commission meeting at which this item may be heard.

APPLICATION INFORMATION

PROPERTY OWNER: <u>TODD KAUFMAN</u>		
MAILING ADDRESS: <u>3389 E HARRISON AVE</u>		
CITY: <u>CDA</u>	STATE: <u>ID</u>	ZIP: <u>83814</u>
PHONE:	FAX:	EMAIL:
APPLICANT OR CONSULTANT: <u>OLSON ENGINEERING</u>		STATUS: <u>ENGINEER</u> OTHER
MAILING ADDRESS: <u>PO BOX 1894</u>		
CITY: <u>POST FALLS</u>	STATE: <u>ID</u>	ZIP: <u>83877</u>
PHONE: <u>208.651.4152</u>	FAX:	EMAIL: <u>jt@decivil.com</u>

FILING CAPACITY

- Recorded property owner as to of _____
- Purchasing (under contract) as of _____
- The Lessee/Renter as of _____
- Authorized agent of any of the foregoing, duly authorized in writing. *(Written authorization must be attached)*

SITE INFORMATION:

PROPERTY LOCATION OR ADDRESS OF PROPERTY: <u>2810 N. 17TH ST CDA ID 83814</u>		
EXISTING CITY ZONING (CHECK ALL THAT APPLY): R-1 <input type="checkbox"/> R-3 <input type="checkbox"/> R-5 <input type="checkbox"/> R-8 <input type="checkbox"/> R-12 <input checked="" type="checkbox"/> R-1 <input type="checkbox"/> MH-8 <input type="checkbox"/> NC <input type="checkbox"/> C-17 <input type="checkbox"/> C-17L <input type="checkbox"/> DC <input type="checkbox"/> LM <input type="checkbox"/> M <input type="checkbox"/> NW <input type="checkbox"/>		
TAX PARCEL #: <u>AIN 133976</u>	EXISTING ZONING: <u>R-12</u>	TOTAL NUMBER OF LOTS: <u>18</u>
GROSS AREA/ACRES: <u>2.235 ACRES</u>	CURRENT LAND USE: <u>RES/VACANT</u>	PROPOSED RESIDENTIAL DENSITY/PER DWELLING UNIT: <u>1.8</u>
DESCRIPTION OF PROJECT/REASON FOR REQUEST: <u>INFRASTRUCTURE AND IMPROVEMENTS FOR 18</u>		
<u>TWINHOMES VIA PUD W/ CITY</u>		

N/A

CERTIFICATION OF INTEREST HOLDER: Mortgagee and all other persons having an interest in the land under consideration for platting must consent to the filing of this application.

I have read and consent to the filing of this application as an interest holder of record of the area being considered in this application.

Interest Holder #1:

Name: _____

Company: _____

Address: _____

STATE OF _____)

) ss.

County of _____)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared

_____, known to me to be the person whose name is subscribed herein, and who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for: _____

Residing at: _____

My Commission Expires: _____

N/A

CERTIFICATION OF INTEREST HOLDER: Mortgagee and all other persons having an interest in the land under consideration for platting must consent to the filing of this application.

I have read and consent to the filing of this application as an interest holder of record of the area being considered in this application.

Interest Holder #2:

Name: _____

Company: _____

Address: _____

**For multiple applicants or owners of record, please submit multiple copies of this page.*

I (We) the undersigned do hereby make petition for subdivision of the property described in this petition, and do certify that we have provided accurate information as required by this petition form, to the best of my (our) ability.

Be advised that all exhibits presented will need to be identified at the meeting, entered into the record, and retained in the file.

DATED THIS _____ DAY OF _____ 20_____

CHAPTER 16.20
PROCEDURES FOR ALL PRELIMINARY PLATS

SECTIONS:

- 16.20.010 Preapplication meeting for all preliminary plats.
 16.20.020 Application fees for all preliminary plats.
 16.20.030 General requirements for all preliminary plat documents.
 16.20.040 Lapse of approval of preliminary plat approval.

16.20.010 Preapplication meeting for all preliminary plats.

A. Every developer seeking preliminary approval of formal and short plats within city limits must meet with city staff, including, but not limited to, a representative of the planning department, engineering, parks department and the city's utilities, at least six (6) weeks prior to submission of the request for preliminary plat approval. A developer seeking a preapplication meeting must submit four (4) copies of a concept plan to the planning director who will schedule the preapplication meeting at the earliest available date. The purpose of this meeting is to discuss informally the purpose and effect of the subdivision ordinance, and the criteria and standards contained therein, parks and open space development and connectivity to the city's parks and trail system, the provision of city utility services, and to familiarize the developer with the comprehensive plan, the parks master plan, the zoning ordinance, and the subdivision ordinance. The planning director, after consulting affected departments, may allow for application submission prior to the six (6) week deadline in cases where adequate discussion of city criteria and standards have taken place and may waive the requirement for a preapplication meeting for short plats if he or she determines that the short plat will have limited impact on public infrastructure.

B. Developers of condominium plats must meet with staff prior to application submission to discuss the subdivision proposal and relevant city code requirements. (Ord. 3485, 2014)

16.12.020 Application fees for all preliminary plats.

A. Fee Required: All applications for preliminary plat approval must be accompanied by the fee adopted by the city council.

B. Waiver Of Fees: Fees shall be waived as specified below:

1. Public Agency: No fee shall be charged for an application filed by any city, county, district, state, federal government or agency thereof.

2. Renewals: No fee shall be charged for an application to extend a termination date prescribed as a condition of an approval which has been granted and which has not expired; provided, that no substantial change in plans or other condition of approval is proposed.

3. Amendment Of Approved Subdivision: No per lot fee shall be charged for an application to modify or amend an approved preliminary plat so long as the subdivider has previously paid the currently required per lot application fee and the fee has not been expended for its intended purpose. If the amount of the required per lot fee increases in the interim between the date that the developer pays the fee and the date that the developer submits an application to modify or amend the approved subdivision, the developer shall pay the difference between the amount previously paid and the current per lot fee unless the fee has been expended for its intended purpose, in which case the developer will pay the full per lot fee.

4. Reapplication: The planning director may, in his or her discretion, waive all or part of an application fee for an application that was submitted and denied without prejudice within the previous year.

C. Refunds: The planning director may refund an application fee in whole upon a determination that the application was erroneously required or filed. (Ord. 3485, 2014)

16.20.030: General requirements for all preliminary plat documents.

The preliminary plat shall include the following:

A. The proposed name of the subdivision. Names shall not too closely resemble those of existing subdivisions, nor shall given names or initials be used with surnames in a plat name;

B. The location of boundary lines in relation to section, quarter-section, and quarter-quarter-section lines and any adjacent corporate boundaries of the city which are part of the legal description of the property;

C. The names and addresses of the developer, owner and all lienholders, and the engineer, surveyor, or other person making the plat;

D. The scale of the plat, which shall not be less than fifty feet to one inch (50' = 1") nor more than one hundred feet to one inch (100' = 1");

E. The date of submission and the north arrow;

F. The location, width and name of each existing or proposed street rights of way, other rights of way, easements, parks, sidewalks, pedestrian and bicycle facilities and open spaces and existing permanent buildings within the proposed subdivision;

G. The names of adjacent subdivisions and the location and names of all adjacent streets;

H. The topography at an appropriate contour interval (unless specifically waived by the city engineer), the location of all natural watercourses, and other physical features pertinent to the subdivision;

I. The layout, numbering and dimensions of lots and the numbering of blocks;

J. The indication of any portion or portions of the plat for which successive or separate final plats are to be filed;

K. Net acreage of subdivision, computed by calculating the total land area less proposed or existing public streets and other public lands;

L. The vicinity sketch shall be a legible scale and shall show the relationship of the proposed plat to existing schools, parks, shopping centers, and other like facilities;

M. The city engineer may require the proposed street grades be shown on the plat where, in his or her opinion, conditions so warrant;

N. The layout and dimensions of existing and proposed water, sanitary sewer, and drainage easements;

O. A lot grading plan showing the existing and final grades with two foot (2') contours. (Ord. 3485, 2014)

16.20.040: Lapse of approval of preliminary plat approval.

Preliminary plat approval, whether conditional or not, shall be effective for twelve (12) months from the date of planning commission approval or from the date of recordation of the final plat for the preceding phase of the development in an approved phased subdivision. The planning commission, upon written request, may grant up to five (5) extensions of twelve (12) months each upon a finding that the preliminary plat complies with current development requirements and all applicable conditions of approval. The planning commission may modify and/or add conditions to the final plat to ensure conformity with adopted policies and/or ordinance changes that have occurred since the initial approval. A request for an extension of a preliminary plat approval must be received by the planning director no later than ninety (90) days after the date that the approval lapsed and must be accompanied by the required fee. (Ord. 3485, 2014)

CITY PLAT SUBMITTAL CHECKLIST

Subdivision Name: Kayman Estates

Date: 6/01/2023

No. Lots 18 Blocks 2 Tracts 1

(Place a check mark for each item met, or N/A for not applicable)

		<u>Comments</u>
1.	18" x 24"; 3" margin at left end; 1/2" on other ends.	✓
2.	Four paper copies of plat document.	✓
3.	North Arrow.	✓
4.	Scale.	✓
5.	Stamped, signed & dated.	✓
6.	Subdivision name.	✓
7.	Section/Township/Range/Meridian.	✓
8.	City/County/State.	✓
9.	Legend.	✓
10.	Vicinity map.	✓
11.	Easements; location, width & purpose.	✓
12.	Block numbers.	✓
13.	Lot numbers for all lots, tracts, open spaces, etc.	✓
14.	Road Right-of-Way; widths.	✓
15.	Road Right-of-Way; dedications.	✓
16.	Road Names.	✓
17.	Bearings and distances of exterior boundary.	✓
18.	Bearings and distances of interior lot lines.	✓
19.	Exterior boundary corners.	✓
20.	Interior lot corners.	✓
21.	Centerline monuments.	✓
22.	Location of any existing structures & distance to P/L.	N/A
23.	Special setback lines.	✓
24.	Legal description of exterior boundary.	✓
25.	Acreage to three decimal places (S.F. -nearest foot).	✓
26.	Curve data incl. delta, radius, chord brg./dist., length.	✓
27.	General notes & details.	✓
28.	Cul-de-sac & knuckle radius.	N/A

SIGNATURE PAGE:

29.	Surveyor's certificate.	N/A
30.	Owner's dedication certificate.	FINAL PLAT
31.	Notary Public format.	↓
32.	County Surveyor Certification.	↓
33.	County Treasurer Certification.	↓
34.	County Recorder Certification.	↓
35.	Sanitary Restriction/Health District Approval.	↓
36.	City Council Approval.	↓
37.	City Clerk Signature.	↓
38.	City Engineer Signature.	↓
39.	Water System Statement.	↓

Submittal Reviewed by Applicant's Surveyor _____

Date Reviewed _____

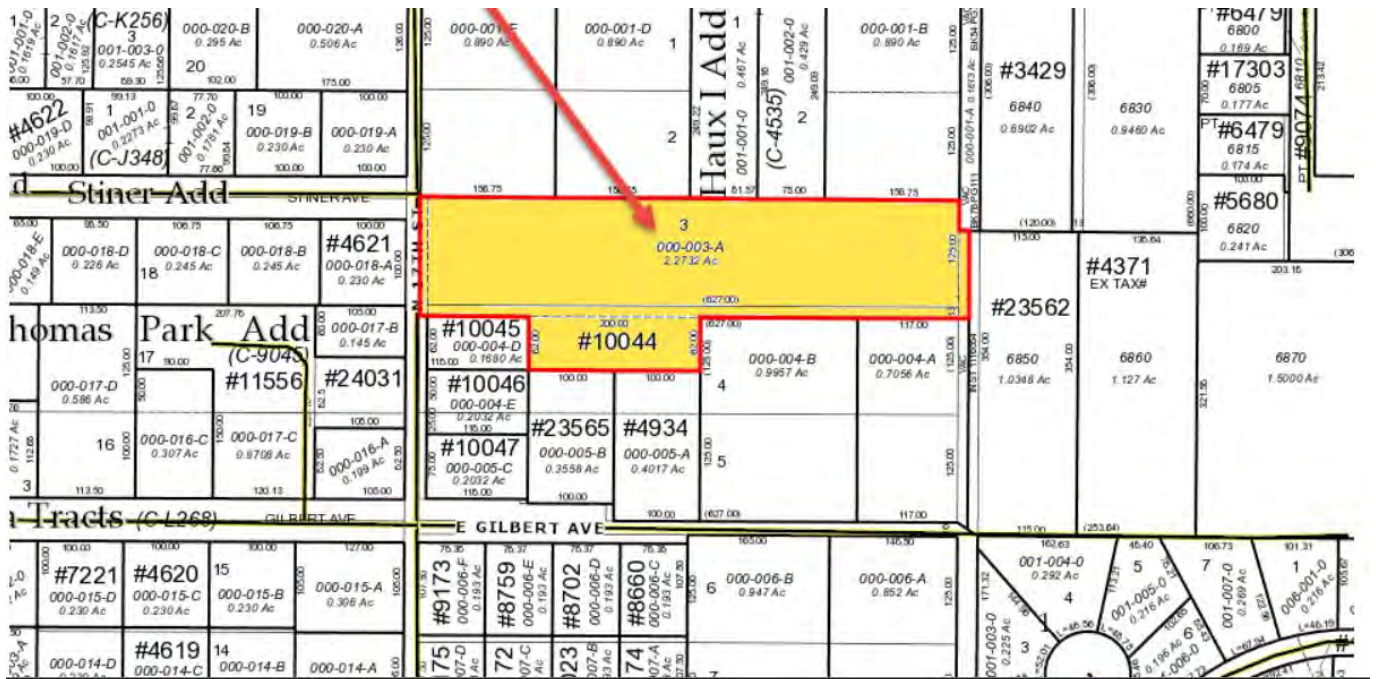
Project Narrative
Kaufman Estates
Planned Unit Development



Prepared by:
Olson Engineering
PO Box 1894
Post Falls, ID 83877

Legal Description

All of Lot 3 and the North 13 feet of Lot 4 in Thomas Park Addition, Kootenai County, State of Idaho, according to the plat recorded in Book "B" of Plats, page 142. Together with that portion vacated 19th Street running along the East line of the herein above described property, by Ordinance No. 2129, which attaches by operation of law, recorded May 11, 1988 and Instrument No. 1116584 Also together with the South 62 feet of the North 75 feet of the East 200 feet of the West 327 feet of Lot 4 in Thomas Park Addition, Kootenai County, State of Idaho, according to the plat recorded in Book "B" of Plats, page 142.



**2810 N 17th St.
Coeur d'Alene, ID 83815**

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF.

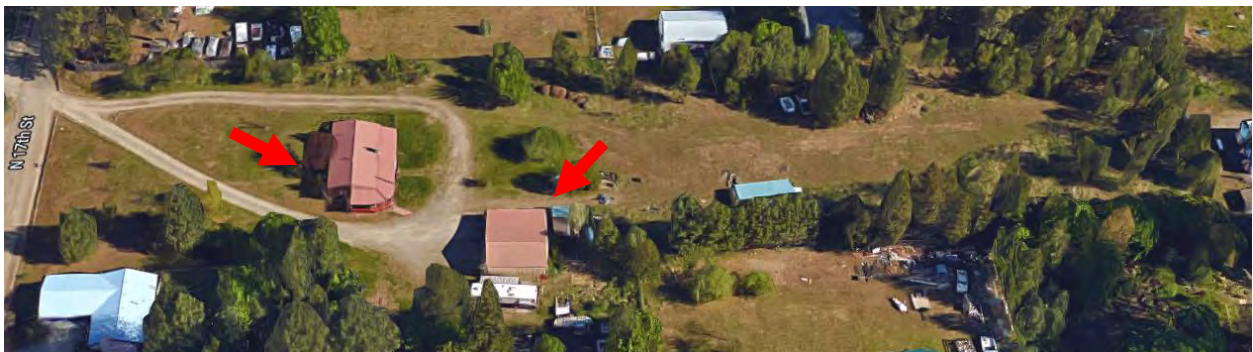
Project Overview

Project Location

The subject property is located at 2810 N 17th St in Coeur d' Alene, south of E Stiner Ave. The property is south of Nettleton Gulch Rd in the area known as the Thomas Park Addition.

Site Conditions

The site is approximately 2.3 acres in size with an existing single-family dwelling and accessory structure (shop) positioned about 200 feet from 17th St. The property is gently sloped with native trees scattered near the perimeter. The neighborhood contains a mix of housing, mostly aging homes on ¼ acre lots, although some homes are on larger parcels. The home on the property is currently in a state of disrepair and has reached its useful life.



Existing Zoning

The property is currently zoned R-12. The city of Coeur d' Alene generally describes the R-12 zoning designation as follows:

"The R-12 District is intended as a residential area that permits a mix of housing types at a density not greater than twelve (12) units per gross acre."

Surrounding Zoning

R-12

Future Land Use Map Designation

The property is situated in an area designated as Compact Neighborhood in the City's Comprehensive Plan.

"Compact Neighborhood places are medium density residential areas located primarily in older locations of Coeur d'Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family homes, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts."

This proposal is consistent with the recently adopted future land use map.

Zoning Code (Reference PUD Preliminary Plat)

The City's zoning code does not have standards for townhome or twin-home design within the R-12 zoning classification. Twin-home design standards are outlined within the R-17 zoning classification. This PUD proposal is based exclusively on adapting the R-17 twin home design standards (**17.05.320**) to this project. The overall residential density of the project will be 7.8 units per acre, which is far less than the density allowed by code.

Comprehensive Plan

This proposal is supported by the comprehensive plan in several areas of the policy framework sections.

“The Policy Framework is a combination of new and existing goals, objectives and actions that were identified through the Envision Coeur d’Alene planning process and those found in the existing 2007 Comprehensive Plan. This blend of what works now with the existing Comprehensive Plan with new ideas from the community provides guidance for future decision making.”

Growth and Development

“Future growth is focused on improving our city’s livability by planning for a mix of land uses that are walkable, access to attainable housing options, employment opportunities, healthcare, quality schools and recreation. Neighborhoods include a variety of housing options and services where residents can walk or bike to cafes, shops, services, jobs, and open spaces.”

OBJECTIVE GD 1.1

“Achieve a balance of housing product types and price points, including affordable housing, to meet city needs.”

Land Use and Design

Compact Neighborhood- Key Characteristics

“Compact Neighborhood places are medium density residential areas located primarily in older locations of Coeur d’Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family, duplexes, triplexes, fourplexes, townhomes, green courts, and auto-courts. Supporting uses typically include neighborhood parks, recreation facilities, and parking areas.”

The City’s Comprehensive Plan is clear in its understanding of the need for attainable housing solutions community wide. Kaufman Estates will be a housing

option that can help fill the needs of Coeur d'Alene's work force and is supported throughout the plan.

Coeur Housing

The City's efforts to develop supplementary code to address the rising cost of housing throughout the community is ongoing. Based on the available data, the Kaufman Estates development is in alignment with the main Coeur Housing objectives:

- Neighborhood context
- Scale
- Walkable/Bikeable

Development Plan

The existing structures on the site will be demolished and removed in preparation for development.

It is anticipated that if approved, the project would be completed in a single phase.

Housing Type (Reference Architectural Plans, Sheets A2.1, A3.1)

The housing type being proposed for the project is commonly referred to as a twin-home. This product closely resembles a duplex with the shared wall of the structure acting as one of the property lines. Each unit is served by its own utilities and can be bought and sold as real property allowing for greater affordability. The proposed design is for one of the units in each structure to contain a one-car garage with a smaller overall footprint, while the other unit will be larger and contain a two-car garage. These revisions have been made to provide two price points within the development while reducing density from the previous proposal.

Streets (Reference Improvement Plans Sheets C-2, C-3, C-4, C-5)

The development will be served by a single, private road with an emergency vehicle turnaround toward the east side of the property (hammerhead). The north side of the street will have a sidewalk and the south side of the street will provide 20+ additional parallel parking stalls. The internal private street will be designed to sheet drain stormwater to the south where it will be treated in streetside swales.

Dedication of land for public right-of-way will occur along 17th St and improvements of this section of roadway will be performed as part of the project as shown on the preliminary plans.

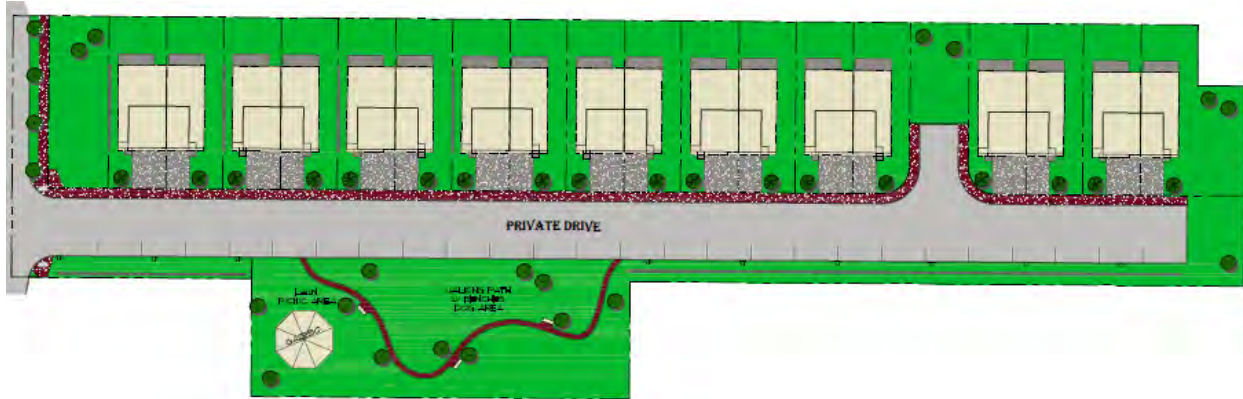
Utilities (Reference Sheet C-8)

The City of Coeur d'Alene will provide water and sanitary sewer for the project and the development team has been communicating with these departments throughout the design phase.

Electricity, natural gas, phone, and cable are currently available to the site. Coordination with utility providers is ongoing.

Open Space

As shown on the preliminary improvement plans, 12,400 sq ft of open space is being provided in the area labeled Tract B in the Improvement Plans. This area exceeds the required 10% dedication, as it represents 12% of the entire parcel, including the private road. Open space will be a combination of lawn, walking path, trees, shrubs, and a picnic area. The area will be maintained by an HOA and will be open to the public. Snow storage and stormwater treatment areas are not included in the open space.



Homeowners Association

Kaufman estates will require an HOA be formed in order to govern the standards for the subdivision. This document will also include a road maintenance agreement and an open space maintenance agreement.

Photos



Looking West



Looking East

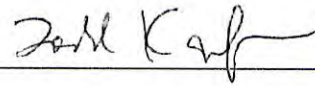


Variances from code as follows:

- Proposed private road
- Sheet drained street with sidewalk on one side only
- Setbacks reduced to zero on party wall
- Setbacks reduced to 5'/10' between structures
- No public street frontage for residences (frontage on private street)
- Lot frontage on private street reduced from 50' to 30'
- Minimum lot size reduced from 5,500 sq ft to 2,663 sq ft (smallest lot)

To whom it may concern,

This document is to grant authorization for OLSON ENGINEERING to act on behalf of TODD KAUFMAN for land use processes in the City of Coeur d'Alene, Idaho. The property in question is commonly known as 2810 N 17th St Coeur d'Alene, Idaho (AIN 133976)



Authorized Agent

05/24/2022

Date



**COMMITMENT FOR TITLE INSURANCE
ISSUED BY
CHICAGO TITLE INSURANCE COMPANY**

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within 180 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.





CHICAGO TITLE INSURANCE COMPANY

- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

ALTA Commitment for Title Insurance 8-1-16

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Page 2 of 8





CHICAGO TITLE INSURANCE COMPANY

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

Countersigned:

Nikki Droll
Kootenai County Title Company
1450 Northwest Boulevard
Suite 200
Coeur d'Alene, ID 83814

CHICAGO TITLE INSURANCE COMPANY

By:
Michael J. Neldin
President

ATTEST:
Marjorie Thompson
Secretary

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ALTA Commitment for Title Insurance 8-1-16

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CHICAGO TITLE INSURANCE COMPANY

Transaction Identification Data for reference only:

Issuing Agent: Kootenai County Title Company
 Issuing Office: 1450 Northwest Boulevard, Suite 200, Coeur d'Alene, ID 83814
 ALTA® Universal ID: 1068807
 Loan ID Number:
 Issuing Office File Number: KT-500839
 Commitment Number: KT-500839
 Revision Number:
 Property Address: 2810 North 17th Street, Coeur d'Alene, ID 83815

SCHEDULE A

1. Commitment Date: 05/05/2023 at 5:00 PM
2. Policy to be issued:

(a) ALTA Owner's Policy	\$10,000.00	Premium \$175.00
-------------------------	-------------	------------------

PROPOSED INSURED: **To Be Determined**

3. The estate or interest in the Land described or referred to in this Commitment is: fee simple.
4. Title to the fee simple estate or interest in the Land is at the Commitment Date vested in:
 Todd P. Kaufman and Annie Kaufman, husband and wife
5. The Land is described as follows:
 Property description set forth in "Exhibit A" attached hereto and made a part hereof.

CHICAGO TITLE INSURANCE COMPANY
 By its Issuing Agent Kootenai County Title Company

Nikki Droll
Authorized Signatory

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**SCHEDULE B, PART I
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. The Owners Policy contemplated hereby is an ALTA standard coverage Owners Policy, in which General Exceptions 1 through 6 shall remain on the final Policy. Any requests to delete any or all of said Exceptions shall require additional approval, Requirements and/or Exceptions, and incur an additional premium.
6. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid. An Owner's policy shall be issued for not less than (1) the amount of the current sales price of the land and any existing improvements appurtenant thereto, or (2) if no sale is to be made, the amount equal to the value of the land and any existing improvements at the time of issuance of the policy. A Loan policy shall be for not less than (a) the full principal amount of the indebtedness secured by the insured mortgage and may include up to 20% in excess thereof to cover foreclosure costs, etc., or (b) if the indebtedness is secured by other collateral, then for not less than the unencumbered value of the land or the amount of the loan, whichever is the lesser. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.

We find the following conveyances within and/or immediately prior to the past 24 months:

A. Warranty Deed, by and between Ronald L. Wagner, as Personal Representative of the Estates of Christine Lola Wagner and Daniel Otto Wagner, as grantor, and Todd P. Kaufman and Annie Kaufman, as grantee, recorded February 2, 2022 as Instrument No. [2885213000](#), records of Kootenai County, Idaho.

7. We find the following judgments and/or liens against the proposed purchaser(s) / borrower(s) {borrower_name}:

None

8. We find the following address to be associated with the Land described herein:

2810 North 17th Street
Coeur d'Alene, ID 83815

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**SCHEDULE B, PART II
Exceptions**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the Public Records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by Public Records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments of real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. Property taxes and assessments for the year 2022, which are a lien, of which the 1st installment is due December 20, 2022, and the 2nd installment is due June 20, 2023 (amounts may not include all penalties and interest if delinquent):

1st Installment: \$2,110.49, paid
2nd Installment: \$0.00, due and payable
Parcel No.: C9045000003A
AIN.: 133976
8. Property taxes and assessments for the year 2023, which are a lien, not yet due or payable.

Parcel No.: C9045000003A
AIN.: 133976
9. Assessments of the City of Coeur d'Alene.
10. Easements for and right, title and interest of the public in and to the road right of way commonly known as 17th Street, including utilities lying therein or adjacent thereto.

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CHICAGO TITLE INSURANCE COMPANY

11. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Purpose: existing rights of way and easements of any lot owner or public utility
Recorded: May 11, 1998
Instrument No.: [1116584](#) , records of Kootenai County, Idaho.

END OF SCHEDULE B

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ALTA Commitment for Title Insurance 8-1-16

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EXHIBIT A
Property Description

Issuing Office File No.: KT-500839

All of Lot 3 and the North 13 feet of Lot 4 in THOMAS PARK ADDITION, Kootenai County, State of Idaho, according to the plat recorded in Book "B" of Plats, page 142.

TOGETHER with that portion vacated 19th Street running along the East line of the herein above described property, by Ordinance No. 2129, which attaches by operation of law, recorded May 11, 1988 and Instrument No. 1116584

ALSO TOGETHER with the South 62 feet of the North 75 feet of the East 200 feet of the West 327 feet of Lot 4 in Thomas Park Addition, Kootenai County, State of Idaho, according to the plat recorded in Book "B" of Plats, page 142.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

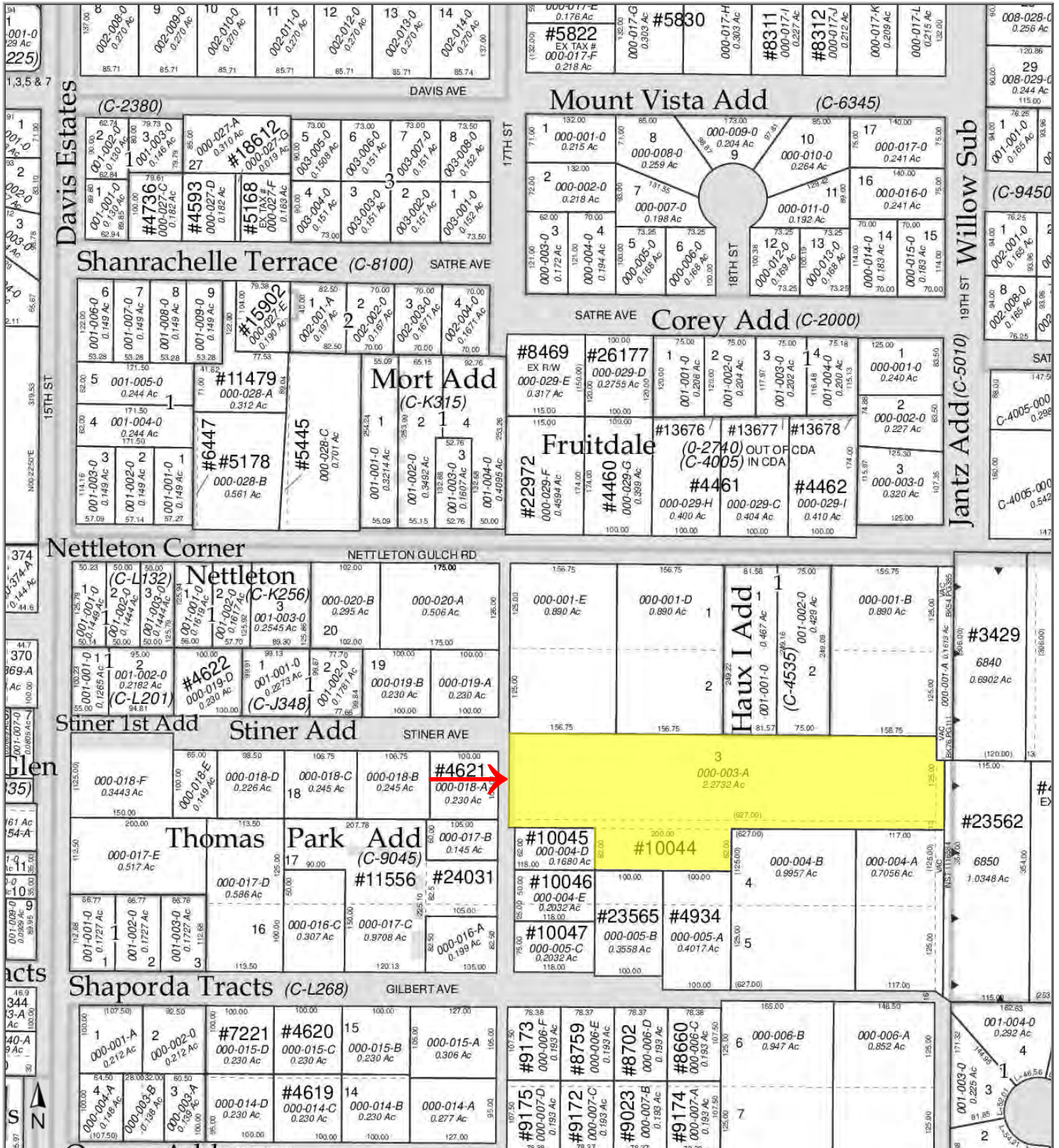
ALTA Commitment for Title Insurance 8-1-16

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Page 8 of 8





KT KOOTENAI TITLE
 MAKE A REQUEST FOR THE BEST
 1450 Northwest Blvd Ste 200 Coeur d'Alene, ID 83814
 Phone: (208)667-9431 Fax: (208)208-666-0410

ParcelID: C904500003A
Tax Account #: 133976
2810 N 17th St, Coeur D Alene ID 83815

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

EXHIBIT A

A PARCEL OF LAND BEING ALL OF LOT 3 AND THE NORTH 13 FEET OF LOT 4 BLOCK 1 IN THOMAS PARK ADDITION, KOOTENAI COUNTY, STATE OF IDAHO, ACCORDING TO THE PLAT RECORDED IN BOOK "B" OF PLATS, PAGE 142, TOGETHER WITH THAT PORTION VACATED 19TH STREET RUNNING ALONG THE EAST LINE OF THE HEREIN ABOVE-DESCRIBED PROPERTY, BY ORDINANCE NO. 2129, WHICH ATTACHES BY OPERATION OF LAW, RECORDED MAY 11TH, 1988 AND INSTRUMENT NO. 1116584, ALSO TOGETHER WITH THE SOUTH 62 FEET OF THE NORTH 75 FEET OF THE EAST 200 FEET OF THE WEST 327 FEET OF LOT 4 IN THOMAS PARK ADDITION, KOOTENAI COUNTY, STATE OF IDAHO, ACCORDING TO THE PLAT RECORDED IN BOOK "B" OF PLATS, PAGE 142. LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 50 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3 BLOCK 1 THOMAS PARK ADDITION, LYING ON THE WEST VACATED RIGHT-OF-WAY OF NORTH 19TH STREET;

THENCE, ALONG SAID VACATED RIGHT-OF-WAY SOUTH $0^{\circ}23'57''$ WEST A DISTANCE OF 32.04 FEET;

THENCE, SOUTH $89^{\circ}36'03''$ EAST A DISTANCE OF 25.00 FEET TO THE CENTERLINE OF THE VACATED RIGHT-OF-WAY OF NORTH 19TH STREET;

THENCE, ALONG SAID CENTERLINE OF VACATED RIGHT-OF-WAY SOUTH $0^{\circ}23'57''$ WEST A DISTANCE OF 105.48 FEET;

THENCE, LEAVING THE CENTERLINE OF THE VACATED RIGHT-OF-WAY OF NORTH 19TH STREET NORTH $89^{\circ}34'08''$ WEST A DISTANCE OF 324.32 FEET TO A POINT 13 FEET SOUTH OF THE NORTH LINE OF LOT 4 BLOCK 1 OF THOMAS PARK ADDITION;

THENCE, SOUTH $0^{\circ}23'33''$ WEST A DISTANCE OF 62.00 FEET TO A POINT 75 FEET SOUTH OF THE NORTH LINE OF LOT 4 BLOCK 1 OF THOMAS PARK ADDITION;

THENCE, NORTH $89^{\circ}34'08''$ WEST A DISTANCE OF 200.00 FEET;

THENCE, NORTH $0^{\circ}23'33''$ EAST A DISTANCE OF 62.00 FEET TO A POINT 13 FEET SOUTH OF THE NORTH LINE OF LOT 4 BLOCK 1 OF THOMAS PARK ADDITION;

THENCE, NORTH $89^{\circ}34'08''$ WEST A DISTANCE OF 127.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF NORTH 17TH STREET;

THENCE, ALONG SAID RIGHT-OF-WAY NORTH $0^{\circ}23'33''$ EAST A DISTANCE OF 137.76 FEET TO THE NORTHWEST CORNER OF LOT 3 BLOCK 1 OF THOMAS PARK ADDITION;

THENCE, SOUTH $89^{\circ}32'43''$ EAST A DISTANCE OF 626.34 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID PARCEL CONTAINING 2.324 ACRES, MORE OR LESS.



Public Comments from the
Planning Commission Meeting
on August 8, 2023

STUHMILLER, SHANA

From: Janie Hungerford <jhteatime@aol.com>
Sent: Monday, August 07, 2023 2:31 PM
To: STUHMILLER, SHANA
Subject: Kaufman Estates Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern,

I am writing this in strong opposition of the Kaufman Estates proposal off of 17th street between Nettleton Gulch and Gilbert.

This proposal is asking for 18 (two story) units in an area that is surrounded by single level established homes . This proposal does not fit this neighborhood. This neighborhood is one of the few areas left in Cda that offers the feel of country living yet only 3 miles from down town. If approved, this will add a solid wall that will be the view of many , even those living blocks away. It will add a large number of cars in already overcrowded street way. The kids that ride their bikes (and there are many) will be at greater risk with the addition traffic. The people walking daily (non stop foot traffic) are in danger as well. It does not fit our neighborhood.

While growth is necessary , over growth is damaging to not only neighborhood but to our town as well.

I have deep roots here in Cda. While I do not feel this gives me any special privileges ,I do have the insight of what our town was . Simple, clean, and spacious. My great great grandfather built many of the structures that have been here for over 100yrs. My great grandfather owned many of the businesses that serviced our community. I am proud to say my grandkids are 7th generation Cda. I have a lifetime of memories of stories told, "how Cda use to be". I would hope that my ancestors

would be proud of how Cda has responded to the growth. They spent their lives trying to make this an amazing place to live.

Please remember when making your decision that quality of life is why people have stayed in cda for generations. Quality of life is also why people move here. Over building a neighborhood interrupts quality of life for all of us. Please vote no on this proposal. It only serves the people making the money not the people who live here.

Sent from my iPhone

STUHMILLER, SHANA

From: Jessica Steidl <jessysteidl@gmail.com>
Sent: Tuesday, July 25, 2023 2:23 PM
To: STUHMILLER, SHANA
Subject: Comment on Todd Kaufman PUD

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern,

As a neighbor to this proposed PUD I am concerned that the neighborhood does not support this type of development. The regular zoning laws seem to be aligned with the neighborhood feel. I am not sure what benefit this would have on the city or the neighbors?

I propose you say no to this development as other parts of CDA have denser zoning and this neighborhood should not. We purchased our house specifically because this neighborhood had such a great feel. I, of course, say no. Thanks

--

Jessy Steidl
208-290-5582

STUHMILLER, SHANA

From: SM <alsind9@gmail.com>
Sent: Monday, August 07, 2023 5:03 PM
To: STUHMILLER, SHANA
Subject: Public Hearing Aug 8 Kaufman Estates

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Coeur d'Alene Planning Commission,

I am Al Mesbah of 1716 E. Gilbert and have lived here, off and on, since the early 80's. when we moved here to be with my uncle way back then, I fell in love with this wonderful town. our neighborhood, specifically, is the last one that still feels like those days. On the path to growth, we have forgotten why we were attracted by this beautiful place. we claim to enjoy nature, yet take every opportunity to destroy it with our unsustainable behavior. i know you are dismayed at the development that went in on N. Marin Ln. off of E. Lunceford Ln. on the way to Costco. the Kaufman Estates project is not far from that abomination. in fact, in many ways, it is far worst.

1. as per the comprehensive plan, the character and norm of the neighborhoods have to be respected. we are not trying to re-create LA here. sadly, so far we have been moving to do exactly this. i know that you are trying to encourage more input from the community. this is exactly why i have started our organization. our goal is to support you to ensure that growth is benefiting our community not destroying the very thing we all love. it is not fair that you are expected to magically fix everything without any support from us. we are many, as you saw at the meeting last year. we are with many strengths. we have individuals who are good with data. we have people great at talking and activating people face to face. we intend to support you and give you cover.

2. Storm Water - as it is a high elevation parcel, and it will be nearly completely roof, driveway, and road. it will not take much of a storm to turn 17th st. into a river flooding all propertied down from it. the current natural surface absorbs all the water that will be shed when developed. note that many properties down there have issues with flooding from time to time already. this development will aggravate the problem.

3. Traffic - one of the great things about this neighborhood is its diversity. many of us older folks have been here for a long time but many new young families are raising their young children here. these kids are often playing on the street and from yard to yard. volume and type of traffic added from this project will endanger the children.

4. Parking - these units will be sold to investment groups and corporate landlords before they are even built. i would not be surprised if this has already occurred. As the prices are going to be high, multiple people end up living and sharing the same place. as there will not be enough parking, the neighborhood streets will be full of parked cars making it harder for the children and the rest of us. this has happened at other high-density developments in this town.

i am going to cut this short as there is much more to say. i encourage you to contact us and let us support you in keeping cda from going the way so many beautiful places have gone.

respectfully,

al...

208-667-8831

STUHMILLER, SHANA

From: Tammi Rosenthal <tammirosenthal3@gmail.com>
Sent: Friday, August 04, 2023 8:12 AM
To: STUHMILLER, SHANA
Cc: Tammi Rosenthal; Sylvialoveshalli@gmail.com
Subject: Planning Commission Kaufman Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Planning Commission 8/8/23 meeting

Hello, my name is Tammi Hickman-Rosenthal. I live at 1824 E Nettleton Gulch Road, and I own one of the many parcels impacted by the 2nd attempt of a Kaufman Estate proposal. I am also writing this with my mother, Sylvia Hickman who lives east and next to me at 1900 E Nettleton Gulch Rd, and is also impacted on her south and west corner of the Kaufman proposal.

(Map of 2nd proposal)



The red circle indicates my property line, and my back fence, the blue circle is my mom's property.

It is deeply troubling to think that I didn't see this development coming. I have gone to sleep every night content that our family has worked hard to be good citizens here, supporting the public schools at Bryan Elementary, Canfield Middle School and Coeurdalene High (Go Viks), not to add the hundreds of hours volunteering (I was volunteer of the year CdA School District) to help make CoeurD'Alene a great place to live. Not once did I think that I'd be fighting to preserve the character, or the livability of my neighborhood or the quality of our schools because of the high property taxes I pay.

(Picture of Carli and Captain Kirk, life in CdA)



We're not bad people to want to preserve the existing character and uniqueness of our neighborhood. You must know that developing this parcel of land is inconsistent with the rest of homes in the area. These cookie-cutter type twin homes that Kaufman is proposing stands out like a sore thumb. We have gardens, we feed the wildlife, we get eggs from our chickens, we talk about the wild turkeys and quail crossing the road at the mail box, we exchange cookies at

Christmas. People living in these proposed twin homes share a wall, not a lifestyle. I think I speak for all owners in opposition to this development that there are, and will be lasting impacts to our quality of life in CoeurD'Alene.

The common theme is that one can look, and see there's not much of a change from the last proposal.

(Map of 1st proposal that was denied)



Speculating, the previous owner of this property never wanted his 2.3 acres developed, shame on whomever went against his wishes. Why not build only a few homes, with yards? Why 18 double story twin homes? This keeps these homeowners (in the end probably renters) in tiny boxes, nothing really to live a good life, it does impact to our schools, and there's increased crime to ponder. Would our city planners ever consider such a terrible development in such a historic neighborhood?

At the same time there is a remedy. Another approach to protecting the quality of the neighboring residences and it is to build single-story homes. It also seems effective to provide a "green screen" of substantial trees to provide privacy, and to keep the ground level noise of cars parking, and garbage trucks peeping to pick up trash down. With single-story homes there won't be as much white light pollution that take away our quality of life to star gaze at night, and the street lights that are killing pollinator insects, and mosquito eating bats.

What a nightmare to wake up one day and find some type of bulldozer thing digging up and taking down and killing all the trees, destroying habitat on this 2 acre property! It was a "slap in the face" to see how Kaufman Estates thinks of our beloved neighborhood! To knowingly destroy the environment, pollinator plants, bird and insect habitat without even a plan is irresponsible! Definitely not the Idaho way to manage a forest, and get things done.

(Old photo of Idaho family loggers)

This 2.3 acre parcel has in the past been valued in the neighborhood as a prime example of sustaining our local ecosystem, and wildlife. Deer, bear, bobcats, raccoons, song birds, honkers, eagles, hawks, insects all find their way to this undisturbed area.

Generally, it was quite beautiful! This development raises the larger questions that future generations will ask.

(Picture of baby, the future)

We also need to address the 17th street single lane gravel ally. This is the corner on Nettleton and 17th where the school bus stops to pick up young boys and girls for public school. It's been fine,

there are only a few homes and everyone knows to watch out for our children catching the bus. This development they're proposing increases the traffic substantially and with that dangerous situations for our children walking to the school bus, and going home.

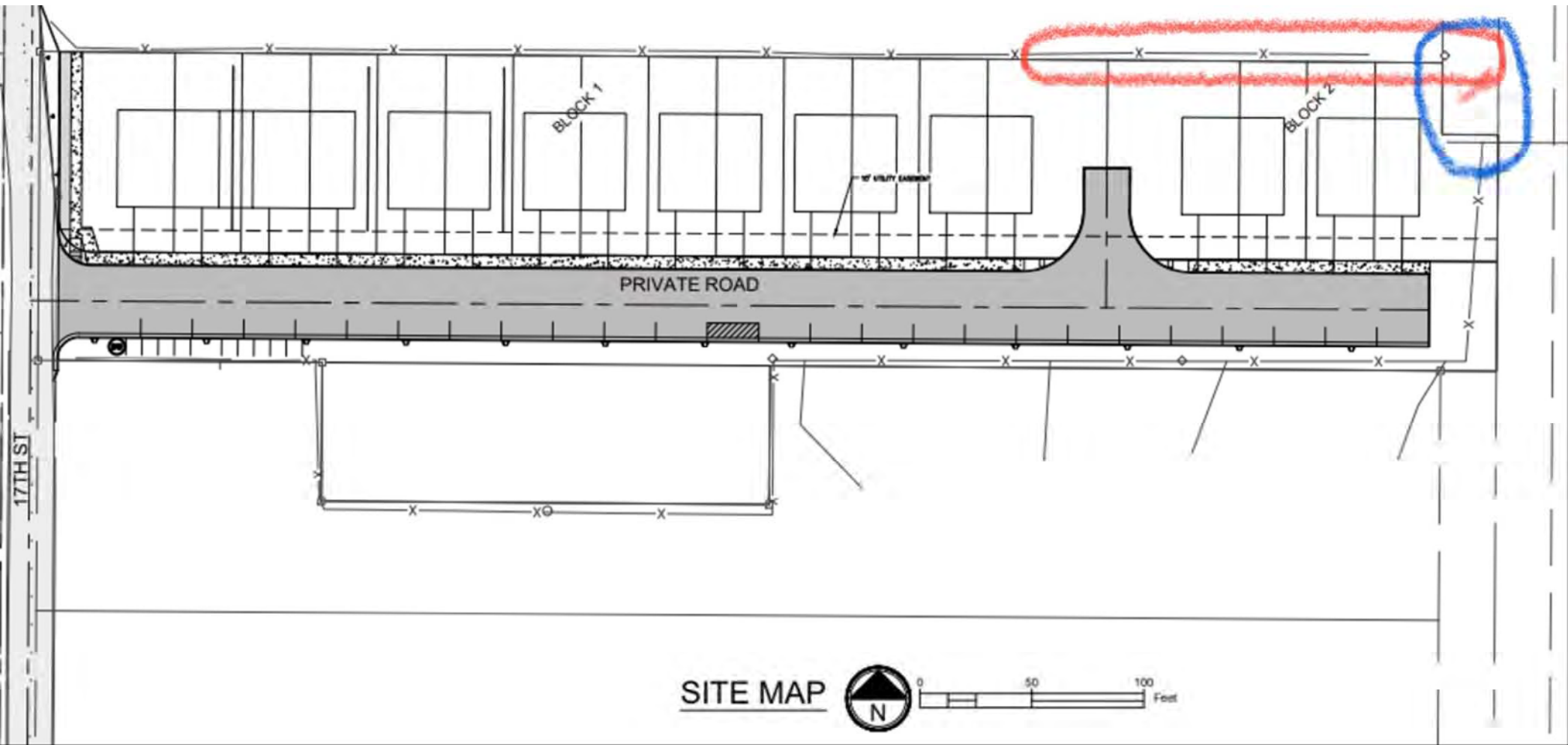
I do not want to appear as a person that assumes all developments like this one are nefarious, and until now I've never given a lot of thought to the issues of zoning polices. I get it that policymakers and millionaires who live in upscale gated communities ban this type of low income multi family housing in their neighborhoods. This is a type of class discrimination and is creating huge inequalities in cities. Changing our zoning in the Nettleton Gulch area neighborhood to R3 to reflect the surrounding zoning codes is the answer, and is a process everyone is dedicated to doing.

My mom and I are owners of almost 2 acres that are impacted by this 2nd proposal by Kaufman, and we are strongly opposed to this development.

Your no vote on Kaufman Estates keeps the uniqueness of our established neighborhood intact.

Thank you,
Tammi Rosenthal
1824 E Nettleton Gulch Rd

Sylvia Hickman
1900 E Nettleton Gulch Rd



SITE MAP

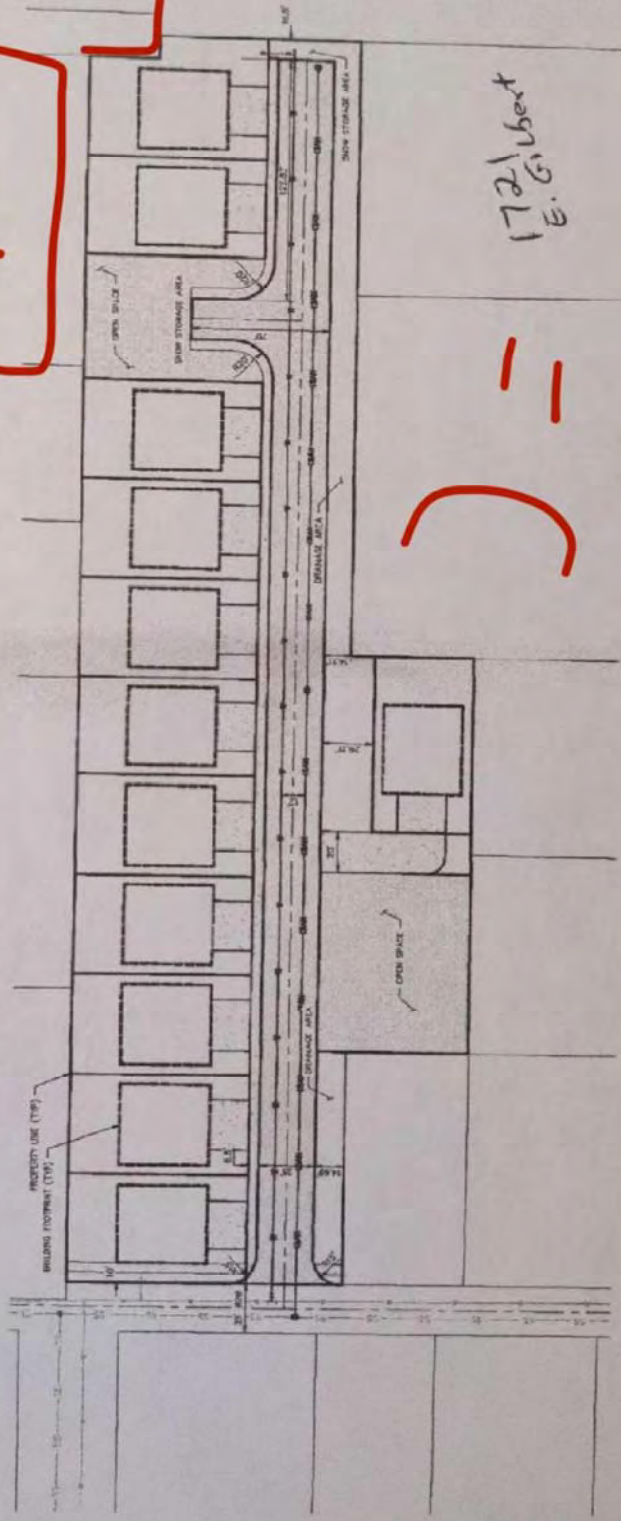


0 50 100 Feet



NORTH ↑

Handwritten red text: "5/1/04" with a large bracket and arrow pointing to the plan view.



Handwritten red text: "172 Gilbert" and "E. Gilbert" with a large bracket and arrow pointing to the plan view.

PROJECT INFORMATION
OWNER: [illegible]
24 PROPOSED BUILDINGS (TOTAL 100,000 SQ FT)
TOTAL AREA: 100,000 SQ FT (80,000 SQ FT BUILDING FOOTPRINT)
TOTAL GARAGE SPACE: 100 CARS
TOTAL OFFICE SPACE: 10,000 SQ FT
TOTAL RETAIL SPACE: 10,000 SQ FT
TOTAL SERVICE SPACE: 10,000 SQ FT

- 1) ALL DIMENSIONS ARE IN FEET UNLESS NOTED OTHERWISE
- 2) ALL DIMENSIONS ARE MEASURED TO FACE OF DIMENSIONED ELEMENT UNLESS NOTED OTHERWISE
- 3) ALL SETBACKS ARE 5 FEET

CDM PAVING PUD
N 11TH STREET COEUR D'ALENE, ID
CONCEPT LAYOUT
E-1





STUHMILLER, SHANA

From: Megan Sausser <megansausser@gmail.com>
Sent: Monday, August 07, 2023 7:28 AM
To: STUHMILLER, SHANA; TSTROUD@cdaid.or
Subject: Comment on Kaufman Estates PUD for tomorrow's hearing

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Thank you for taking comment. I'm the owner of the .9 acre parcel on the northern boundary.

A year ago I came before you to comment on a very similar proposal. While the units proposed may be lower in number due to limitations of the parcel, I still have many of the same concerns.

This proposal is not compatible with our neighborhood, either in type of structure or in lot size. Anyone who lives in our neighborhood knows that you don't even consider anything to the west of 15th Street part of our neighborhood. Fifteenth Street is a major dividing line, with so much traffic you don't cross it in anything other than a car. We are an active neighborhood. We enjoy our larger lot sizes with single family homes and mature trees and close access to Canfield and the county.

This proposal changes that drastically overnight. Instead of the two units allowed per current zoning, the developer wants 18. That's not even close to a compromise.

You'll hear a lot about affordable housing. While the developer has shared a price point lower than the median in Kootenai County which has been half a million dollars, there's no ability to control that.

These units clash with our neighborhood already, and I see the potential for them to really be opportunities for investors to acquire for short and long term rentals, which again I'm told by city staff that can't be controlled or mitigated. That seems like a big risk to me.

As Kaufman said in the one sit down he had with some of us property owners, he'll sell these homes to whoever wants to buy them. That's a direct quote. While a good narrative, affordable housing is not what this project will be.

So what are we offering flexibility with the code for? What are we being asked to sacrifice as adjacent homeowners for the greater good?

Again, this does not benefit us as nearby residents but is a moneymaker for the developer. We expect increased noise, lighting, traffic and packed-in neighbors will negatively affect our quality of life.

We ask that this property be developed within existing guidelines or that the developer pursues single family homes on larger lots that will turn a profit but are much more compatible with our area.

If this proposal does go through, we ask that the developer be tasked with meeting with adjacent homeowners to mitigate its impact.

STUHMILLER, SHANA

From: mail4hungerford3 <mail4hungerford3@aol.com>
Sent: Monday, August 07, 2023 1:57 PM
To: STUHMILLER, SHANA
Subject: FW: Kaufman Estates
Attachments: 20230803_143143.jpg; 20230803_142448.jpg

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sent from my Galaxy

----- Original message -----

From: mail4hungerford3 <mail4hungerford3@aol.com>
Date: 8/7/23 1:31 PM (GMT-08:00)
To: Shana@cdaid.org
Subject: Kaufman Estates

Hello,

My name is Tom hungerford and I live at 1717 East Nettleton gulch road. I am North of the Kaufman estates proposal About 300 feet and have a clear view of the proposal site.

I've been with my wife for 40 years, we met in 1983 in Coeur'd'alene and moved into this location 5 years ago about a mile from where my wife grew up. We chose this neighborhood because of the neighborhood and the house because of the age and style. It is a style of house that we love and also we wanted to buy while we were still young enough to move into our final home that would be easy for us when we get into our elder years.

This is a nice peaceful neighborhood with respectful neighbors and I have had a chance to really get to know our neighbors. One thing that I have really discovered that this is a neighborhood that is deeply passionate about preserving what we have. I have had the opportunity through this process to knock on doors and talk to people, and meet a lot people and have really discovered that this neighborhood extends far greater than one would ever imagine.

There are so many things about this proposal that just don't work. What is a neighborhood is it the buildings, the trees, the streets? A neighborhood is the people! It's what gives the neighborhood the feel, the peace, the community, and the connectivity.

In the city's own guidelines that outline why this doesn't work.

GROWTH & DEVELOPMENT

COMPATIBILITY . FINDING# B8B: " The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties" In a piece of property that is surrounded by 14 existing single level homes with an average lot size of .68 Acres and the 2.3 acres with this proposal of 18 units the lot sizes of .07 acres are much smaller. Their plan has a density of 7.8 units per acre with a current density on those 14 properties of 1.7 units per acre. This is not compatible with any of the adjoining properties. The smallest lot is .20 acres.

There is a line that is 17th Avenue that runs in the R12 zoning from Best Avenue to Lunceford. There is high density to the West of 17th but the density is much different to the East. The average lot size is approximately .25 acres with the smallest lot in that 17th ave line to the East is .20 acres.

COMMUNITY & IDENTITY

Goal CI 2: "Maintain a high quality life for residents and businesses that make Coeur'dalene a great place to live and visit".

Objective CI 2.1: "Maintain the community's friendly, welcoming atmosphere and its small town feel"

Goal CI 3: "Coeur'dalene will strive to be livable for MEDIAN and below income levels, including YOUNG FAMILIES, WORKING CLASS, low-income and FIXED INCOME households"

Objective CI 3.1: "Support efforts to PRESERVE EXISTING HOUSING STOCK and provide opportunities for new affordable workforce housing"

I want to address the COMMUNITY & IDENTITY . We talk about "maintaining a high quality of life for residents", and also "the community's friendly, welcoming atmosphere and a small town feel." We have that! You have a mixture of people that live in this neighborhood that are long-standing residents, and also the new young families that bring the youth to the neighborhood that help create that community and friendly welcoming atmosphere.

As part of goal CI 3 We have the median income, young families, working class, and fixed income families living in this neighborhood. I believe that our neighborhood defines 4 out of those 6 goals. This also helps with objective CI 3.1 to support efforts to "preserve existing housing stock."

This is a neighborhood with what is sometimes referred to as an "aging neighborhood" because of the older houses, but the people that live here choose these houses because of that. We can look at the Downtown area and part of the reason that those Houses and the value of those homes down there is so high is because of the ages, and the characteristics of the old Houses. Yes there are people that want to live in brand New homes but there are people that choose to live in older homes because they like the characteristics that they are not "Cookie cutter Houses" that we so often see in today's world. Kaufman estates would be exactly that, cookie cutter houses! I truly believe that is not the city's vision of having that style of homes in certain areas.

GROWTH & DEVELOPMENT

Goal GD 1: "Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur'dalene a great place to live"

Objective GD 1.5 "Recognize neighborhood and district identities"

This here's the tough one! How do you achieve all those goals and objectives? I've spent a lot of time talking to so many people through this, neighbor's, developers builders, and people from the city. I've gone to other neighborhoods and have seen how this same thing has happened and seen the results. Through all of this standing back and looking what's happened in the last 10 years, I know that growth in any kind of business is always hard to deal with at this rapid pace.

I truly believe that Coeur'dalene is trying hard to find and achieve that balance, that they have taken so many steps in the right way to fit all the needs. Affordable housing is definitely a top thing. I'm a working class, median income Family. My wife and myself have worked hard to get where we are to be able to buy in this neighborhood. This is a step up neighborhood, not a starter neighborhood.

As part of talking to people and actually talking to the developer I know where the price point is approximately and I appreciate what they're trying to do but this is not the right place for it. I also know that there are things on the market now that are right within that same price range or very close to it. I believe their wish is to create cohesiveness and to help integrate into the rest of the neighborhood.

There are so many things about this proposed development that make it very difficult.

The traffic will be greatly increased with addition of approximately 60 cars. The on street parking on all the side streets because of the extra cars.

17th Avenue is not near wide enough to handle the traffic at 19'6" inches South of Stiner and only 17' North of Stiner.

The water will run off that will be created because of all the asphalt and concrete.

The egress and ingress for fire and medical.

Snow storage being pushed up against all the homes to the East and the South. The water run off in the spring.

Light saturation , (Coeurd'alene won award for this)

Lastly the compatibility. This clearly does not fit our neighborhood.

It's very important to note back in our meeting in February with Mr Kaufman and Jeremy Terzulli of Olson Engineering that we gave them another option that the neighborhood would fully support. We proposed that they do 5 or 6 single level homes. This is a solution that will clearly solve all the problems. I think from the beginning that they thought that we just wanted nothing at all, and all we really want is for them to come in and do something that fits our neighborhood, that is compatible with the existing adjacent and surrounding properties. I know the goal is to provide a need and also to make a profit and I truly believe that with 5 or 6 single level homes in there that they can still make a profit. The lot sizes would be .28 acres with an average lot size of a 125 feet by 100 feet .

This could easily be done with a 25 foot road according to code, and the density would be 2.6 units per acres, compared to 1.7 units per acre on the 14 surrounding properties.

I believe this is good for the neighbors, it would be good for Kaufman estates, and I truly think it would be a win for Coeurd'alene to keep in tact a very unique, special, and a rare neighborhood that is a big part of all the values that Coeurd'alene rerepresents and strives for.

Thank you

Tom Hungerford

Sent from my Galaxy

1 4
 52.76
 001-003-0
 0.1607 Ac
 3
 132.68
 001-004-0
 0.4095 Ac
 253.26
 52.76
 50.00

115.00 115.00 #22972 000-029-F 0.4594 Ac	100.00 100.00 #4460 000-029-G 0.399 Ac	100.00 100.00 #13676 (0-2740) OUT OF CDA (C-4005) IN CDA #4461 000-029-H 0.400 Ac	100.00 100.00 #13677 #4462 000-029-C 0.404 Ac	100.00 100.00 #13678 #4462 000-029-I 0.410 Ac
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74
 000-002-0
 0.227 Ac
 125.30
 3
 000-003-0
 0.320 Ac
 107.35
 115.97
 174.00
 125.00

19th
 C-4005-00
 0.29
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 C-4005-00
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 14

Nettleton Gulch

175.00
 -020-A
 306 Ac
 126.00
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 100.00
 000-019-A
 0.230 Ac
 100.00

125.00 125.00 0.890 Ac	156.75 156.75 0.890 Ac	81.58 75.00 0.467 Ac	75.00 0.429 Ac	156.75 125.00 0.890 Ac
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0.6902 Ac
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 0.1613 Ac
 BK54 PG365
 306.00
 306.00

Stiner

100.00
#4621
 000-018-A
 0.230 Ac
 100.00
 105.00
 000-017-B
 0.145 Ac
 100.00
#24031
 000-016-A
 0.199 Ac
 82.50
 105.00

62.00 118.00 0.1680 Ac	100.00 100.00 0.2032 Ac 118.00	100.00 100.00 0.4017 Ac	117.00 117.00 0.9957 Ac	117.00 117.00 0.7056 Ac
62.00 118.00 0.2032 Ac 118.00	100.00 100.00 0.3558 Ac	100.00 100.00 0.4017 Ac	117.00 117.00 0.9957 Ac	117.00 117.00 0.7056 Ac

125.00
 INST 1116584
 357.00
 1.0348 Ac
 354.00
 125.00
 115.00
 25.00

17th

Gilbert

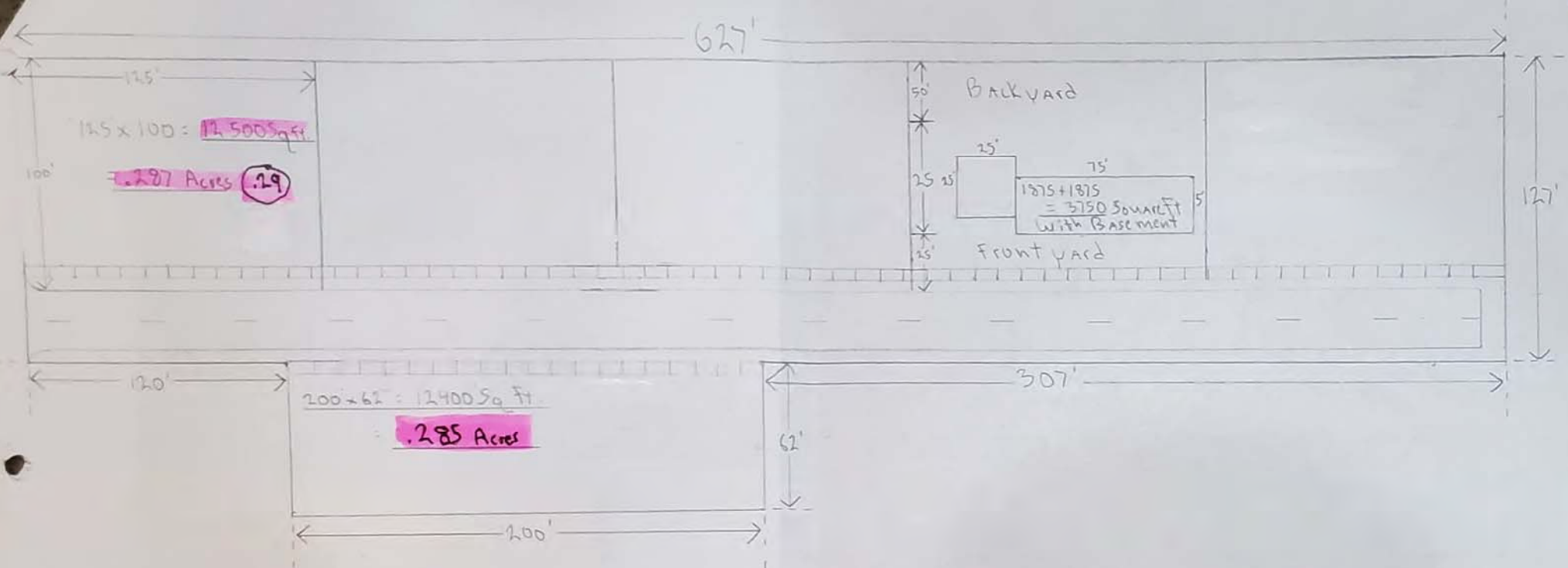
127.00
 000-015-A
 0.306 Ac
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78.38 #9173 000-006-F 0.193 Ac	78.37 #8759 000-006-E 0.193 Ac	78.37 #8702 000-006-D 0.193 Ac	78.38 #8660 000-006-C 0.193 Ac
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165.00
 000-006-B
 0.947 Ac
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 148.50
 000-006-A
 0.852 Ac
 125.00

162.63
 001-004-0
 0.292 Ac
 4
 003-0
 25 Ac
 171.32
 144.95
 146.50

Haycraft



$2\frac{1}{2}'' = 100'$
 $\frac{5}{8}'' = 25'$
 $\frac{1}{8}'' = 5'$

No Free Space Required?

93,029 Square Ft.

Solves

- 1) Traffic - 15 Cars Instead of 60
- 2) Parking - would be no need on Street - Mettlem/17th - Stinner-billbert/15th 60
- 3) "Compatible" - Fits Neighborhood
- 4) 14 Adjacent Properties Average .61 Acres

Public Comments for the City
Council Appeal Hearing
on October 3, 2023

From: [Mike Buzga](#)
To: [BADERTSCHER, SHERRIE](#)
Subject: Multi-Unit Development Proposed at 17th and Stiner, CdA
Date: Thursday, September 28, 2023 9:06:35 AM

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CdA City Council;

I've been informed that the 18 unit housing project at the corner of 17th and Stiner in CdA is being appealed to the City Council and that if local residents desire to have input concerning the project, they may present a letter to the council beforehand. The following is my input.

I'm a recent resident of Coeur d' Alen, as of 2019. I live off of Nettleton Gulch in an older home. After looking at possible areas in Idaho that included Sandpoint, Troy/Moscow and McCall, we fell in love with this area. Our location provided both the aspects of living in the country while also being close to the downtown area. Since moving here, we've found our neighbors to be friendly, helpful and respectful of the beautiful area we all live in. In our short time here, we've experienced the rapid growth that's taken place and understand the housing and traffic issues that brings about. We realize you can't stop the "progress", but at the same time, hope the people given the responsibility of managing this growth, strive to maintain the very reason, this has become such a popular area. Which brings me to the proposed 18 unit development at 17th and Stiner.

We attended the Planning Committee's meeting where a revised proposal was addressed. As I'm sure you realize, the developer had revised his request for a variance based on a reduction of 24 units to 18. As you also know, the Planning Commission denied his request. But because of his request for the appeal to the City Council, I thought it might be useful to address some of his (and his representative's) statements made to support his request.

An aging neighborhood: Apparently this statement was made to suggest the neighborhood had served its purpose and was time to move on. Because it's an older, established area, it's time to bring in new life with the development of multi-unit housing that will help invigorate the area. It seemed odd to my wife and I, when we recently bought a home in this "aging neighborhood" that we never realized our mistake. In fact, our home value has increased significantly while being in what the developer indicated was a neighborhood on the down turn. The reality is, although this area does have established housing and families, it is not a deterrent to new families, but actually why people are interested in living here. What would be the real deterrent would be to throw up multi family units that turn the area from a neighborhood surrounded by nature to an area surrounded by apartments. It would go from an aging neighborhood to a parking lot neighborhood. I'm guessing the residents who already live here and those that you love to live here, would more likely prefer what we have, vs. what the developer is suggesting.

Affordable Housing: The developer indicated he wanted to establish affordable housing. He mentioned that the employees that work for him, have a hard time finding housing they can afford.

If the area becomes a desirable place to live, than the cost of living there goes up (supply and demand). At the same time, if the city planners starts allowing “affordable housing” to be places within established neighborhoods, the desirability of those area begins to go down. This is obviously a difficult balance to hit. But there are a couple of things that hopefully are considered when dealing with this issue. What is affordability, what’s the possibility that these units can be sold at an “affordable” price and how does that affect the area they’re put in.

The developer indicated in the Planning Council meeting he was looking at setting the cost of his units at around 400K. A quick look at the current real estate market shows there are already 10 homes in the close surrounding area selling for that price. To suggest his 18 units are needed to bring about affordable housing doesn’t ring true. It seems more likely he’s using a catch phrase to try and push his proposal forward, Added to that is whether the units could be sold for the price indicated. When you add building cost along with planning, design and the cost of improvement to the area’s infrastructure, a more realistic unit price would to 500k to 600k, which moves away from the “affordable” suggestion. And finally, adding an appartement style complex in an existing single family housing market will only lower the housing prices in the area. His plan to develop affordable housing shouldn’t be based on building 600k units that lower the current surrounding housing prices.

Little impact on the area: It was presented that both fire and snow concerns where addressed by the new 18 unit plan. But to suggest there would be little impact on the existing area is not realistic. Adding 18 housing units, would likely add 30 plus cars to that area. And in all likelihood, there could conservatively be an additional 40 to 50 plus cars/drivers. The road system in the general area is tight at best. Residents would need to exit through Stiner, Gilbert or Nettleton. Although the developer believes this is an aging neighborhood, the reality is there are families with children. And children tend to play in the streets and current residents tend to park on the street (whether they should or not). The road system in the area can handle the current number of cars, but adding 30, 40 or more vehicles increases the congestion and possible risk of accidents, which lowers the livability of the area.

Compatible with the adjacent area: To add 18 housing units that will (no matter how will designed) have a look of an apartment complex is not meeting the requirement of being compatible with the adjacent area. The developer stated that there are already multi-unit housing in the area and thus adding his additional units is compatible with the area. But these units are not built in such a way as to appear to be apartments. If the City Council accepts the developers request, they will unfortunately open the floor gates for other possible developers to bring about a fundamental change to the neighborhood. The planned units do not meet the compatibility of the neighborhood.

Finally, I totally understand the desire of a developer to make a profit from the purchase of the property in questions. I know to that concern, it has been suggested to the developer, they would be able to put 5, 6 or 7 houses in this piece of property without requiring variances. Although the houses would undoubtedly be sold for considerably more than 400k (as would his current suggested units), he would be able to add housing to the CdA area while meeting the compatibility of the existing area and make a profit at the same time.

In conclusion, I hope that the City Council takes the Planning Committees ruling into consideration. My assumption is they made their decision based on a thorough review of the information and consideration of how this proposal would not fit in the current area and would not be compatible with the neighborhood.

Thank-you for your consideration.

Mike Buzga

buzkos@hotmail.com

208-916-4355

It's hard to believe
that some people vote

Hello,

My name is Amber Hicks and I live with my husband and son at 1702 E. Gilbert Ave. at the corner of Gilbert & 17th near the proposed “Kaufman Estates” project. The reason I’m writing today is to share my deep concern for the proposed PUD Mr. Kaufman has planned for my neighborhood. Concerns that are rooted in safety issues for the many children who live in this neighborhood, for the rights that will be taken away from some of my neighbors if this PUD is allowed, and for the door this PUD would open to pushing out our long-term renters and residents in our community in favor of short-term vacation rentals built as “infill projects” by investors.

My husband and I are long-time Idahoans – we met at the University of Idaho, my husband grew up in Sandpoint, we lived in Kellogg for a number of years and moved to Coeur d’Alene seven years ago before buying this home on East Gilbert over four years ago. Coeur d’Alene has always been our end goal for where we wanted to plant roots and raise our family. We were fortunate enough to snag this home as our “starter home” just before COVID and the housing market boom in our area. For three years prior, we’d walk most evenings through the Best Ave. neighborhood and cut through on 17th to return home. We loved the feel of the neighborhood walking here – the minimal traffic, kids playing outside in the street (riding their bikes, playing basketball, playing catch with a baseball), and the close proximity to town and schools. When our Gilbert house went on the market, we were instantly drawn to it because it’s not part of a HOA, it has a large fenced yard with mature fruit trees on about .2 acre, and is surrounded by dead end streets which made it feel as if traffic would never be something to worry about. **Not to mention it’s an established neighborhood** – we liked that each home is unique (not cookie cutter townhomes) and we knew what we were getting because the community has been here for decades. The neighbors we have met here over the past four years have all shared the same sentiment – neighbors who have young families and have chosen to plant long term roots here, just like us.

Then came Mr. Kaufman’s purchase of the land on 17th and his proposal for a PUD that would bring 18-24 units to our quaint, quiet neighborhood. 18-24 units that would realistically bring with it 36-48 additional vehicles (at 2 cars per unit) funneling out through the 17th alley to access 15th Street by way of Steiner or Gilbert avenues. All of this in place of a single-family residence that currently stands there.

I don’t know if you’ve walked the streets in our neighborhood, but we have no sidewalks (nor can they be established because our streets are too narrow) and our intersections are not regulated with stop or yield signs directing traffic. This means adults and children alike ride their bikes, walk, and run on the streets around the copious amounts of parked cars, boats, and trailers that seem to use our streets for long-term storage. Our little neighborhood is not equipped to absorb this excessive increase in traffic without putting our residents’ safety at risk. At the corner of 17th and Gilbert alone, I have counted over 10 children under the age of 10 who live here, not including those who live closer to 15th or attend the daycare that is just three lots west of us on Gilbert. 17th “street” is an alley at best... the neighbors who live there use that alley for parking at their own residence, as do their landscapers and other service providers, **which they will no longer be allowed to do if this PUD is approved.** They’ll lose their right to park at home in front of their house and be forced to relocate their vehicles to Gilbert or Steiner, likely in front of my home where my son and I play basketball together, or where the 8-10 other kids residing here ride their bikes with one another... And there will be nothing we can do about it.

I urge you to take a look at this bulleted list I’ve compiled which pairs 3 parts of our city’s Comprehensive Plan with why Mr. Kaufman’s proposal is not a “fit” for our neighborhood. These are all things I have spoken on at the last two town hall meetings in regard to the Kaufman Estates proposal, but they are worth repeating:

1. 2042 Comprehensive Plan Place Type: Place Type 1: Compact Neighborhood.
A Compact Neighborhood is defined as a place of medium density residential areas where there is an established street grid **with bicycle and pedestrian facilities** (facilities we do not have). A Compact

Neighborhood development is one that is typically comprised of single-family residences, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts. (Ours is largely single-family residences and duplexes, with only a few town homes.) Supporting uses typically include neighborhood parks, recreation facilities, and parking areas (and we are sorely lacking in recreation facilities or safe walking/biking paths for pedestrians, especially if you're considering allowing 18-24x the amount of units than what currently exists on the lot in question).

2. 2024 Comprehensive Goal CI 2: **Maintain a high quality of life for residents...** that make Coeur d'Alene a great place to live and visit.

How do we do this? We ensure the north Idaho lifestyle can continue to be lived out in our neighborhoods. What does that look like? Promoting active lifestyles; enjoying our outdoors; preserving our natural features of our surrounding landscapes; protecting wildlife. Our neighborhood is full of people who are active, who enjoy the outdoors each day by walking or running our neighborhood streets, and we enjoy the deer, turkeys, and other wildlife that frequent our yards. We are trying to preserve and protect the old growth fruit trees that are remnants of the orchards that once filled these parcels before they were subdivided. We grow organic gardens and are grateful for all that we have. These things and our friendly neighbors who look out for one another are what make Coeur d'Alene a great place to live and visit! Our beautiful trees, our green lawns, our parks and access to public lands. So much of this resides on Nettleton Gulch which is adjacent to this subject property. Allowing an infill project of this nature to our neighborhood opens the door to this development taking over the parcels on Nettleton Gulch and driving out the larger acreage single-family residences that embody so much of what we love about north Idaho – not having our homes stacked on top of one another and freedom to do as we please with the architectural style and landscaping (no HOA CC&Rs, for example).

Objective CI 2.1: **Maintain the community's friendly welcoming atmosphere and its small-town feel.**

We have this now! Our neighborhood/community is friendly, welcoming, and supportive of one another. I know most of my neighbors and their children. Our kids play together, we have dinners and BBQ's together. It's the small-town feel most of us grew up with and wanted to raise our children in. But that small-town feel is at risk with every new twin home/town home that is built – it is not the duplexes that are becoming short term vacation rentals so much as it is the town homes and twin homes being proposed by Kaufman Estates.

We know because we've watched it play out at the corner of East Gilbert and 15th Street – two single-family residences were taken out to put in three town homes. Those town homes are now short-term vacation rentals which means we no longer know our neighbors... people come and go all the time and we don't have a chance to get to know them or know whether to be concerned about them. My safety concern for our kids is that Kaufman's proposed twin-home model for this PUD will bring more of the same – investor buyers who don't live in the area and realize they can make more on high-priced nightly or weekly vacation rentals than they can by renting long term to Coeur d'Alene residents. I believe this is a pivotal moment for us to define what kind of city Coeur d'Alene wants to be – one for the tourists or one where you can actually live and work here! Our neighborhood as it stands right now is full of people who work in Coeur d'Alene or Post Falls. We are active in our community, we volunteer on school boards, some are firefighters or paramedics... Are we ready to trade all this in to cater to out of town tourists??

3. 2024 Comprehensive Goal CI 3: Coeur d'Alene will strive to be livable for median and below income levels, **including young families, working class, low income, and fixed income households.** Objective CI 3.1 expands on this to state: Support efforts to **preserve existing housing stock** and **provide opportunities for new affordable and workforce housing.**

This infill project Mr. Kaufman is proposing will not cater to this goal and objective stated by our city. It will not be young families, working class or low/fixed income individuals snatching up these twin homes when they become available. He has already stated to a group of our neighbors in meetings outside of the Town Hall discussions that he will sell them to whoever puts the most cash on the table. He's not intending to hold these properties for his employees as he'd lead the public to believe or for families to buy their starter homes at an affordable price. You mark my words – if we allow these buildings to go in it will be out-of-area investors snatching them up and converting them to short-term vacation rentals because of our close proximity to town and amenities.

Mr. Kaufman threatened at the last meeting that he'd "just throw duplexes" on this lot instead of twin homes if the Planning Commission didn't rule in his favor that evening, but I don't see that as the threat he intends it to be and here's why: You want to know who's shopping for duplexes in my neighborhood? My friends who live locally, have young families, and are in their late 30's or 40's. In fact, one such duplex that is behind my house on Haycraft just sold this year to a young couple who welcomed their first child recently – they live in one half of the duplex and the wife's mother lives in the other half. The duplex next door to me houses a single, older male in one side and a young family on the other. Both are long-term renters who have been here almost as long as we've been homeowners here and they aren't planning to vacate anytime soon. The duplex across the street from me has a single woman on one side and a young family on the other, also long-term renters who have been on our street longer than we have been here. And you know who owns that one? A younger man who grew up with my next-door neighbor. Not an out-of-town investor, but someone who knows one of the neighbors, knows their kids, and has a vested interest in making sure his renters are good people. I'll take these kinds of neighbors in duplexes over vacation renters in town homes and twin homes any day! **This is the Coeur d'Alene I bought into on Gilbert. This is the "fit" we are looking for in this particular neighborhood!**

In conclusion:

This matter has been brought before our Planning Commission not once but twice for consideration. In each meeting, **the Commission unanimously agreed that the proposed development by Mr. Kaufman was not compatible with the location, setting, and existing uses of adjacent properties in our neighborhood.** They determined that it was not a good fit and suggested that changes be made to the plans before moving forward with development to better suit our neighborhood, yet he's pushing forward with an appeal anyway in hopes our City Council will overturn their decision. Our neighbors are not unreasonable on this matter, we have been nothing short of professional and understanding when conversing on this issue. We have had multiple meetings with Mr. Kaufman and his affiliates in an effort to find some common ground and to voice our concerns, but he was firm in what he wanted. We proposed alternatives that still allowed for multiple dwelling units that more closely resembled the density and design of the adjacent properties but he wasn't having any of it. We hold no ill will toward Mr. Kaufman or this development, and we know that growth and change are unavoidable, we just want to protect our rural neighborhood and ensure developments and infill projects are adding to and not detracting from the values of those properties surrounding it; that they're not infringing on the safety of our children or the rights of our neighbors. We also want to ensure our public infrastructure can support the planned development without unnecessarily encumbering those around it. **An infill project emptying out onto an alley instead of a main road is not what is good or is right for our neighborhood. Please encourage Mr. Kaufman to reconsider his building plans to allow for a more appropriate population density that can be safely absorbed by our existing streets and infrastructure.**

Thank you for your time,
Amber Hicks

STUHMILLER, SHANA

From: CLEMANS, KEITH
Sent: Wednesday, September 13, 2023 2:58 PM
To: STUHMILLER, SHANA
Subject: Comment for October 3rd Council Meeting

I would like to comment on the Development at the east end of Stiner.

I feel this does not fit in this area.

There are no other developments to this magnitude in the surrounding area.

There are some Town Homes and Duplex's in the area but there is not a development like this.

This development does not fit the surrounding neighborhood.

Thank You.

Keith Clemans
North Maple Leaf Rd
Coeur d Alene, ID 83815
208-964-4625

From: [BADERTSCHER, SHERRIE](#)
To: [STROUD, TAMI](#)
Cc: [PATTERSON, HILARY](#); [CLARK, TRACI](#); [MCLEOD, RENATA](#)
Subject: FW: Kaufman Estates
Date: Tuesday, September 26, 2023 11:03:52 AM

Hi Tami,

Please add the comment below to your staff report documents.

Best,
Sherrie

-----Original Message-----

From: Janie Hungerford <jhteatime@aol.com>
Sent: Tuesday, September 26, 2023 10:51 AM
To: BADERTSCHER, SHERRIE <sherrie@cdaid.org>
Subject: Kaufman Estates

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To whom it may concern,

My name is Janie Hungerford and I live near the property of Kaufman Estates.

I am writing this in strong opposition of the Kaufman Estates proposal off of 17th street between Nettleton Gulch and Gilbert.

This proposal is asking for 18 (two story) units in an area that is surrounded by single level established homes . This proposal does not fit this neighborhood. This neighborhood is one of the few areas left in Cda that offers the feel of country living yet only 3 miles from down town. If approved, this will add a solid wall that will be the view of many , even those living blocks away. It will add a large number of cars in already overcrowded street way. The kids that ride their bikes (and there are many) will be at greater risk with the addition traffic. The people walking daily (non stop foot traffic) are in danger as well. It does not fit our neighborhood.

While growth is necessary , over growth is damaging to not only neighborhood but to our town as well.

I have deep roots here in Cda. While I do not feel this gives me any special privileges ,I do have the insight of what our town was . Simple, clean, and spacious. My great great grandfather built many of the structures that have been here for over 100yrs. My great grandfather owned many of the businesses that serviced our community. I am proud to say my grandkids are 7th generation Cda. I have a lifetime of memories of stories told, "how Cda use to be". I would hope that my ancestors would be proud of how Cda has responded to the growth. They spent their lives trying to make this an amazing place to live.

Please remember when making your decision that quality of life is why people have stayed in cda for generations.

Quality of life is also why people move here. Over building a neighborhood interrupts quality of life for all of us.

Please vote no on this proposal. It only serves the people making the money not the people who live here.

Sent from my iPhone

From: [CLARK, TRACI](#)
To: [STROUD, TAMI](#)
Subject: FW: Todd Kaufman PUD
Date: Tuesday, September 26, 2023 9:45:35 AM

From: BADERTSCHER, SHERRIE <SHERRIE@cdaid.org>
Sent: Tuesday, September 19, 2023 12:09 PM
To: CLARK, TRACI <TCLARK@cdaid.org>; MCLEOD, RENATA <RENATA@cdaid.org>
Cc: PALMER, ALISON <ALISON@cdaid.org>
Subject: RE: Todd Kaufman PUD

Hi Traci,

The Kaufman PUD appeal is scheduled for a public hearing at the Council meeting on October 3. Up until the council packet items are due on Wednesday, September 27, at noon, your department would collect the comments and add them to the staff report. You can ask the planners who will be preparing the staff report and they will include the below comment. As of September 28, you would send them our way.

Let me know if you have any questions. Shana may have a file on Short-term Rentals (STR) that will show the flow of the staff report and correspondence.

-Sherrie

From: CLARK, TRACI <TCLARK@cdaid.org>
Sent: Tuesday, September 19, 2023 11:57 AM
To: MCLEOD, RENATA <RENATA@cdaid.org>
Cc: PALMER, ALISON <ALISON@cdaid.org>; BADERTSCHER, SHERRIE <SHERRIE@cdaid.org>
Subject: FW: Todd Kaufman PUD

From: Jessica Steidl <jessysteidl@gmail.com>
Sent: Monday, September 18, 2023 4:33 PM
To: STUHLMILLER, SHANA <shana@cdaid.org>
Subject: Todd Kaufman PUD

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Shana,

I understand due process but the appeal just seems like a waste of taxpayer money and the city's time. The fact still remains this gentleman is trying to go outside of the zoning code to line his

pockets. I see no benefit to the city or the neighborhood.

Again here are my comments;

To whom it may concern,

As a neighbor to this proposed PUD I am concerned that the neighborhood does not support this type of development. The regular zoning laws seem to be aligned with the neighborhood feel. I am not sure what benefit this would have on the city or the neighbors?

I propose you say no to this development as other parts of CDA have denser zoning and this neighborhood should not. We purchased our house specifically because this neighborhood had such a great feel. I, of course, say no. Thanks

--

Jessy Steidl
Associate Broker
Realty Plus Inc.
Mobile 208-290-5582
Office 208-263-1979
Search the entire MLS at
www.realtyplussandpoint.com

In Washington:
Steidl Real Estate Services
208-290-5582

From: [BADERTSCHER, SHERRIE](#)
To: [STROUD, TAMI](#)
Cc: [PATTERSON, HILARY](#); [CLARK, TRACI](#); [MCLEOD, RENATA](#)
Subject: FW: Kaufman Estates
Date: Wednesday, September 27, 2023 7:52:06 AM

From: kevin jacobson <kjlumpy@hotmail.com>
Sent: Wednesday, September 27, 2023 4:00 AM
To: BADERTSCHER, SHERRIE <sherrie@cdaid.org>
Subject: Kaufman Estates

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Coeur d'Alene planning department

To whom this may concern;

My name is Kevin Jacobson and I live at 1719 E. Nettleton Gulch Road. I moved into this house to raise my family in a quiet neighborhood close to recreational areas and downtown Coeur d'Alene. I have been in Law Enforcement for 28 years and came from a big city, I have seen what happens with developments of this type in neighborhoods and it is not good, no matter how the builder may sugar coat things. I am concerned over several issues and I will touch on them in this letter.

I am writing this in regards to the proposed development of Kaufman Estates off 17th and Stiner area. I was at the last meeting with the county planning in August where this project was denied twice already. The county planning is seeing something they did not like and the residents have spoken up in regards to this plan the developer and owner have proposed. I would like to hit on the key points and some other points of interest. The area this is being planned is a residential area of .40 and larger lots, this will back 14 properties in the area. This project will bring more people in the area then was planned.

However, here are the key points taken from the last meeting;

The plan calls for 9 duplexes or 18 units, sidewalks on only one side of the street to allow for extra parking. According to Jeremy who is the developer in this project, they will have room for 76 vehicle, this includes garages, driveways and off street parking. However, the driveway is only 20 feet long before the sidewalk before the street. For instance, my truck is 24 feet, which would mean I would be blocking the sidewalk, so the sidewalk would be no use to anyone wanting to walk it. So consider this take all 18 units and there is no sidewalk to walk on and people will be walking in the street.

Take into consideration they want to eliminate the sidewalk on the south side next to the park with 22 additional spots for parking, making it a one way street in essence.

With the additional traffic has the city considered the impact on 15th street as it is a busy street already, combined with Nettleton Gulch Road and the traffic to Canfield and does the city have plans to put in a traffic light at Nettleton Gulch or Stiner so future traffic accidents can be avoided. These units are described as 3 bedroom units so if there are 18 units that's 54 bedrooms in this complex. That could mean a lot of people in a small area, which usually ends with the police being called on several occasions for problems arising and how about emergency vehicle responses accessibility.

The developer has called this an aging neighborhood but the way I see it is there are younger families in the area wanting to call this area home. The developer and owner see this as an opportunity to buy up these aging homes and expand future projects, if this is what Coeur d'Alene wants to become, the city is forgetting why people move here in the first place. They move here to get away from the big cities they came from. The city is forgetting why people desire to live in this area and by putting a nine unit; duplex is taking away the charm of living in this area. There is a good place for this duplex; unfortunately, this is not the desired area this should be built in.

In addition, this developer and owner never met with the neighborhood to discuss this idea. I have heard of a few neighbors who have given examples of maybe 4-5 single level houses on this property instead of this 9-unit duplex they want to develop. This as the developer has said would cost them more and the price point of 400,000 or less is not going to be feasible as prices rise in this economy. Which makes them less affordable to the public. The developer has stated he is anti-growth in the August hearing and he lives in Post Falls.

The developer has said the owner is financially into this property and needs to do either something with it, develop it or sell it. Sounds like they are giving the city an ultimatum to me with that comment. The developer has also thrown in the notion of building a complex of units but financially it is not beneficial to do this, as the units would have to be sold as one unit and not separately.

In addition, I just heard of the possible paving of 17th street from Gilbert to Stiner and no planned sidewalks due to the lack of space to do so. Does this mean the City is going to pay the residents for the property needed, or pull eminent domain and take the property from the residents? In addition, who is going to pay for the paving of this roadway? This is not fair and I have lost property due to this in Arizona, not by choice but due to the county putting in a road. My daughter has friends in the area of 17th street south of Nettleton Gulch Road where she visits them and to think of the increased traffic in the area is scary with no sidewalks and a safe way for her and her friends to travel from house to house and to school.

The planning commission made the right decision in denying the permits for this development. I am asking the City Planning to deny this permit as it does not belong in this neighborhood or at this location. Being as this is residential and has houses and residences who have been there for over 60 years and passed the houses to other family members to keep it in the family. If the city denies this permit I am asking the city to explore buying this property and making it a neighborhood park or nature preserve area for the local family of deer and turkeys and other wildlife that call it home also.

Sorry for the long email, but I am passionate about this. The plans look good but again not for this community area. There are other areas of development this plan would be a great fit. I ask the City Council to tour Nettleton Gulch after dark and see the peacefulness of the neighborhood. Take a drive down Nettleton Gulch Road to the Canfield trailhead and see how residents live and how neighbors talk to each other and stop at the driveways to strike up conversations. Also, drive 15th street, find a place to sit and observe traffic from 6-8 am and 3-7 pm, and see how it becomes busy with little time to enter 15th street from the side streets, now add about 76 more vehicles to this race to get onto 15th street. Not including any guests that may visit people in this complex and where they are going to park.

Again, I am asking the City to take into consideration the people who have sent emails and will be speaking to the Council on October 3rd about the neighborhood we live in. I am asking for a denial on this plan and again have the city explore buying this parcel as a park for the community. The County planning committee brought this up in the last meeting. Please remember what Coeur d'Alene means to these residents and why we all live here. Do not turn this into a how many houses can we put on one lot or how many duplexes can we put in to maximize our earning potential.

Thank you for your time in this matter and I hope you can see the truth and reality of what this will do to the neighborhood.

Kevin Jacobson

1719 E. Nettleton Gulch Road

Coeur d'Alene, Idaho 83815

From: [BADERTSCHER, SHERRIE](#)
To: [STROUD, TAMI](#)
Cc: [PATTERSON, HILARY](#); [CLARK, TRACI](#); [MCLEOD, RENATA](#)
Subject: FW: Comment for council meeting Oct 3 re Kauffman estates
Date: Tuesday, September 26, 2023 5:23:07 PM

From: Pauline Jaklich <luv4grandkids@gmail.com>
Sent: Tuesday, September 26, 2023 5:03 PM
To: BADERTSCHER, SHERRIE <sherrie@cdaid.org>
Subject: Comment for council meeting Oct 3 re Kauffman estates

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Dear Mr. Mayor and council members,

I am writing to respectfully request that you vote no to the proposed Kaufman Estates PUD that the developer is trying to force into our neighborhood. My husband and I live at 1721 E. Gilbert Ave. Our back lot shares a boundary with the proposed Kaufman estates.

First of all, I want to thank you for taking the time to listen to our concerns and to try to understand our viewpoints. The developer has been putting the neighborhood through a lot of mental duress over the last year. I feel it is as if we were a little village living in safety and security and now a foreign barbarian invader has come to attack us, pillage our village and leave with the booty, without any concern for the destruction he left in his wake. Of course, this is just a word picture to express my feelings. The developer may be a nice guy, and I am not demeaning his character.

Mr. Kaufman was turned down twice by the astute Planning Commissioners. They understood that the Kaufman Estates plan was not at all compatible with our neighborhood and was fraught with many problems. After the first rejection, the developer came back with the same plan with just some slight modifications that did not eradicate all the negative impacts of the plan. Obviously the developer is just not listening. He seems to be determined to shoehorn this grandiose plan of his into too small of a fit. It is the wrong plan for this single family neighborhood with large lots.

This subject property slices right into the heart of our big block and abuts the backyards of a dozen neighbors— neighbors that bought their houses knowing that their backyard backed up against the backyard of this particular lot. We would not have bought these homes if we thought that we would be losing our backyard privacy by having either a street or two story building so close to our back boundary. It seems unjust for the property rights of one new landowner to overrule the property rights of the 12 abutting landowners. It seems inappropriate to cater to a developer who is not going to be living here and ignore the property rights of the existing neighbors that have been paying property taxes for years to the city or to the young families hoping to raise their kids here and will be paying taxes for years to come.

The proposed PUD would create many problems for the community but the developer is not living here, therefore he can just move onto the next project, and we have to suffer the consequences. To be truly compatible with the abutting neighbors, the subject lot would have one home, a large shop and outbuildings with trees and maybe a garden. The neighborhood has proposed a compromise plan of five custom homes, showing that the developer could make a decent profit, but it was rejected.

The developer and the staff reports do not paint an accurate picture when they compare our neighborhood with development on the 15th St. corridor. In reality, it is as if there is an invisible line at 17th St alley. The houses to the west are small lots but the houses to the east of 17th are mostly large lots around an acre or more. Then as you drive north on Nettleton Gulch and travel up the hill it blends into even larger acreage. Our neighborhood is really not even appropriate to be in the R 12 zoning. This property is on the eastern edge of city limits and one or two are actually county. This lot and abutting and adjacent properties more actually fit into an R-3 or R-5 classification. The comp plan did not desire to change these areas.

In a City of Coeur d'Alene YouTube video, Coeur D'alene CC/PC Envision CDA workshop 1-25-22, Alex Dupey, Director of planning services- MIG, Inc. states the following: "back to the kick off, we actually started talking about this in September 2019, what are the key elements in areas of growth or stability that we want to maintain within the city and what we heard loud and clear was that we really need to focus on protecting single-family neighborhoods."

"...So the first piece- single family neighborhood. That is shown in light yellow. Those are your lowest density areas R-3 R-5 . Those are areas that are primarily outside your area of city impact but also some larger lots within the city limits. And so those areas are primarily already developed. Place types are assuming those areas really won't change over time. They will maintain that development characteristic."

This proposal would definitely adversely affect the surrounding neighborhood with regard to traffic, neighborhood character and or existing land uses. I don't understand how the city authorities can say on the staff report that it will have a minimal effect on traffic. That is unrealistic-this proposal will more than double the population. Since in reality, these probably will not be long-term residences and will probably be renters sharing the house and each having one or more vehicles, then, of course, there will be much more traffic. This will make it unsafe for the children in our neighborhood. The estimate of traffic trips as reported in the staff report seems ridiculously low and not based on reality. People come and go numerous times a day and they have company, birthday and holiday parties for example. Of course, there is going to be spillage on to Stiner and Gilbert. We will be having strangers parking in front of our house. The developer's representative even stated at the meeting that the PUD could restrict parking on the private road so that a snow plow could come during the night. Well, if they cannot park by their house, they will end up parking by mine. The street side parking west of 17th St. on Gilbert is always full so they will end up east of 17th on Gilbert.

I have seen this happen through the eyes of my girlfriend in Boise who also lived in a quiet, dead-end neighborhood that was invaded by a nearby development. Too many people and too

little parking. So her neighborhood is now filled with people parking in front of their houses. They don't follow any rules made by the city and just come back after dark. It has caused a lot of strife between people. Homeowners putting no parking signs everywhere and many verbal arguments with each other. My girlfriend even has people parking in her driveway after dark and people sneaking into her backyard. She has lost her sense of security and is moving out now. So because of an old man Potter, her peaceful Bedford Falls situation turns into a nasty Potterville where everyone is stressed out and bickering. Sure, this may not happen here but I don't look forward to taking the risk.

In the plans, the developer does not go out of his way at all to ameliorate the eyesore he is creating. There was no mention made of planting mature, evergreen arborvitae, or something that would block the view of people from their second story windows looking into the backyards of the neighbors. He said he may try to keep some of the mature trees. These trees do not provide privacy down below. I sit near the back fence and see the property. From the windows in my home, especially when the leaves are off the trees, I have a full view of that property and can see houses on Nettleton Gulch and can actually see houses on the west of 17th St Alley. This will be an ugly wall of two story houses dropped in the midst of us. Who wants to get up in the morning and look out the window with a cup of coffee and see something like that every single day?

The abutting neighbors will lose their backyard privacy and security. Who knows then what kind of possible weirdo or criminal is watching them. There will be many people living there coming and going and we would have no way of vetting them. Security is important to me because I am a wheelchair confined handicapped person who is essentially homebound. So when the weather permits, I spend the majority of my life in my backyard, a lot of it being under my maple tree right by the boundary. The back of my property has been my sanctuary because it gives me privacy and I can enjoy nature and the quiet. I hate the thought of a small city being built here. At the present time we have quiet neighbors. We can hear the birds singing, crickets chirping, chickens clucking and children playing. There never ever is loud music or disturbances except for an occasional chainsaw or a lawnmower. Nettleton Gulch occasionally has a loud motorist speeding but that comes and goes quickly. Cramping that many people into the proposed lot is going to significantly increase noise and disturbances.

I also wonder about the safety of the site in regard to getting a fire truck quickly into that congested area. It also does not seem safe to have just one ingress/egress for that many people. And I am not crazy about all of the toxic motor vehicle runoff from all the hard surfaces coming toward my property.

We are extremely offended when he keeps referring to our area as an aging neighborhood filled with homes that are teardowns. Our homes are not shacks ready to be bulldozed. We have nice well built homes that will probably last longer than new construction nowadays.

The developer rejected the reasonable plan of five custom one story homes and mentioned that selling the property was one of his options. He talked about selling it to another developer who would just ramrod a subdivision in. He made it sound hopeless and that we might as well agree to his plan because it is all inevitable. But why should it be hopeless? Why cannot our neighborhood and city council come up with a better option for this lot that would be a benefit to the city? Although the property is not suitable for a subdivision, it is perfectly

situated for a community organic garden. Coeur d'Alene supposedly has some famous and wealthy people living here. Can city council go about enticing some of them to form a tax-deductible foundation and buy out the present developer? It could be great publicity for them. A community garden here would be a great benefit to the city. Everyone has to eat, especially young hardworking families that are trying to feed hungry kids. It would not only benefit our particular neighborhood, but through the food bank, they could share the blessing. Our neighborhood has some very intelligent and talented people that would be enthusiastic about such a plan. It is the dream of one of them. Why not have more community gardens in various places around the city that could benefit the city's workforce?

Coeur d'Alene has been a great place to live but it will not be if we lose all of our single-family neighborhoods with their unique characteristics and vibe. The city website states that their goal is to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity, protect property rights, and foster the safety of citizens. The planning commissioners did this for our neighborhood twice when they unanimously rejected the proposed PUD. My hope is that the city council will also come to our rescue. This is a single family neighborhood of young and old homeowners who want to live here long-term, quietly and peacefully. We are not an "aging community" that wants to be eliminated. Any PUD or subdivision is not compatible with our present neighborhood. Thank you for listening and understanding.

From: [BADERTSCHER, SHERRIE](#)
To: [STROUD, TAMI](#)
Cc: [PATTERSON, HILARY](#); [CLARK, TRACI](#); [MCLEOD, RENATA](#)
Subject: FW: Kaufman Estates-October 3rd meeting
Date: Tuesday, September 26, 2023 8:10:49 AM

Comments to be added to the staff report package.

-Sherrie

From: Rick Rainbolt <rainbolt2@msn.com>
Sent: Monday, September 25, 2023 7:16 PM
To: BADERTSCHER, SHERRIE <sherrie@cdaid.org>
Subject: Kaufman Estates-October 3rd meeting

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Our names are Rick and Patty Rainbolt. We live at 1801 E. Gilbert Avenue. We share the eastern boundary of Kaufman Estates. We attended the Planning and Zoning meeting on August 9, 2022 where Mr. Kaufman's request was unanimously denied.

We also attended the August 8, 2023 meeting before a Board with new Commissioners. Once again Mr. Kaufman's request was denied unanimously by the new Board for all the same reasons. Density-doesn't fit neighborhood, 17th street, traffic and more.

We would request that you consider the Commission's and the neighborhood's opposition and deny this request.

Rick and Patty Rainbolt

From: [BADERTSCHER, SHERRIE](#)
To: [STROUD, TAMI](#)
Cc: [PATTERSON, HILARY](#); [CLARK, TRACI](#)
Subject: FW: Appeal of the Denial of a 2.3-acre PUD Known as "Kaufman Estates PUD" and a Proposed 18-lot Preliminary Plat Known as "Kaufman Estates"
Date: Tuesday, September 26, 2023 5:20:53 PM

From: Shannon Sardell <shannonsardell@gmail.com>
Sent: Tuesday, September 26, 2023 4:44 PM
To: BADERTSCHER, SHERRIE <sherrie@cdaid.org>
Subject: Appeal of the Denial of a 2.3-acre PUD Known as "Kaufman Estates PUD" and a Proposed 18-lot Preliminary Plat Known as "Kaufman Estates"

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Dear City Council Members;

I live at 1806 E Nettleton Gulch Road. My property is directly adjacent to the proposed 2.3-Acre PUD under discussion and will be directly affected. My family and I strongly oppose this development in our neighborhood. Our concerns include the character of this development not matching with the rest of the neighborhood, the safety of the streets for both pedestrian and vehicular traffic, and the effects of density on public safety and crime.

This proposal for 18 "twin home" units in the middle of a single-family neighborhood does not fit with the surrounding character. The area from Best Street north past Nettleton Gulch is largely comprised of single family homes, a few duplexes, and a few "pocket developments" no longer allowed by the CDA building code. Over time, larger parcels have been subdivided for additional homes. My home was built as a result of that process in the 1990s. There were no problems with this density increase because it fit into the context of the neighborhood and it was gradual. The previous owners did not suddenly leave the neighborhood either, to this day, they continue to live next door.

By training, I am a licensed architect in the Idaho (AR-986724), Oregon and Washington. I understand firsthand the current issues of housing and density both economically and a sociologically. I have also watched neighborhoods fall apart through increases in density. Where people would connect on the sidewalks, on the street, or under porches and in front yards previously, higher density living makes individuals retreat and scurry into their living rooms in search of peace and quiet; away from community. Out of the car and into the house, not into the neighborhood.

In August, the developer presented that the density of this area is very low by comparison to some of the other areas that surround us. Though true, increasing the density through the maximum development of one parcel concentrates issues of street traffic, noise, and general safety in a location with only one path of ingress or egress.

Successful higher density design needs additional support of other more highly designed and planned public spaces like restaurants, grocery stores, parks, and open spaces to bring community out and put eyes on the street for safety. Without this variety of space, higher density living becomes stressful. Communities languish when density is not well planned. There is no infrastructure in place in the Best / Nettleton Gulch Community for higher density housing. Streets are already very crowded, sidewalks are minimal, and retail consists of a Nom Nom Gas Station at the corner of Best Avenue and 15th Street.

Professionally, I also found the use of the term “twin home”, as was proposed in the Planning Commission Meeting, troublesome. I asked a number of colleagues across the Pacific Northwest what their take of this was and if I had missed something in my Continuing Education course requirements. Though my discussions were not exhaustive of all firms in the area or even the Northwest, I did speak to many professionals who had never heard of this “twin home” idea. Many simply suggested it was a fancy financial way to avoid the worn out sound of the word “duplex”. Why bother with the fancy vocabulary? What is being proposed is 18 duplex buildings designed to sell individually to maximize profit at the expense of a local, owner occupied, hardworking, school attending, and tax paying neighborhood.

Finally, I am a mother of two children who use the neighborhood for biking, walking, and other recreation extensively. We also have animals. I am concerned for safety of all of the kids and animals in the neighborhood. Adding 2 vehicles per unit puts 36 more cars on the street at least twice a day, once in the morning and again in the evening adding 72 additional car trips to and from that one, single entry property.

Quite frankly, I feel that is a conservative estimate since I average 4-5 trips daily. Many households have more than 2 cars and if these are rentals I would estimate that each renter in a three bedroom duplex will also have a vehicle. There is no bus service to and from this neighborhood. More realistically, this proposed PUD will add 54 cars to the neighborhood and at least 108 more car trips on the local roads. Given the current conditions of the roads in our area, this is dangerous.

My family moved into this neighborhood a year ago, not as an investment but as a place to recreate and call home. The developer has repeatedly told the CDA planning commission that we are an “aging neighborhood” with housing that will eventually be knocked down. Those comments illustrate to me that the developer knows nothing about this neighborhood or the people in it. We have showed up to the Planning Commission meetings as people who care about the place that they live now and are of all ages and walks of life. We accept each other for where we are not what we are worth.

Higher density often creates anonymous community. The more people you add the harder it is to know your neighbor. We appreciate that we are seen by our neighbors around Nettleton Gulch. We nod and wave as we pass each other on the street. I know they are looking out for me, the kids on the street running after a ball, or a young cyclists rolling their

bikes off the curb for a cool jump. I know they are looking out for the wildlife and the pets that surround us. I know because in small communities you can build trust and that creates respect.

This proposal does not create a better community for the Best Avenue and Nettleton Gulch neighborhoods or Coeur d'Alene. It satisfies numbers while jeopardizing safety and livability. We are not opposed to the development of the property in general, we would like it to be compatible and sensible to the context that surrounds it.

Thank you for your time,

Shannon Sardell, Tom Renner, Elise and Tristan Bell

NETTLETON-GILBERT
BEST
NEIGHBORHOOD



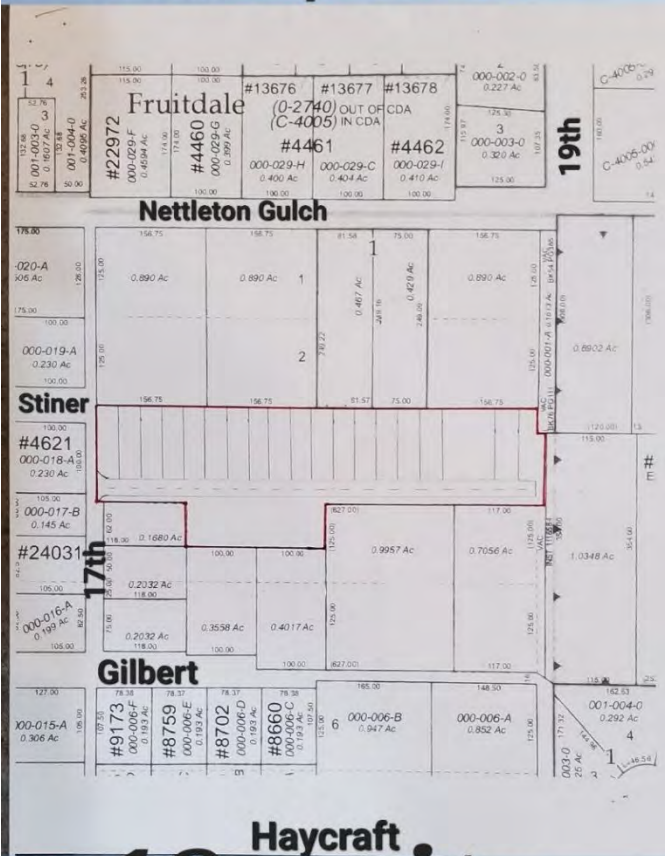
Kaufman Estates
appeal

Tom Hungerford
presentation

1717 Nettleton

Kaufman Estates Proposal

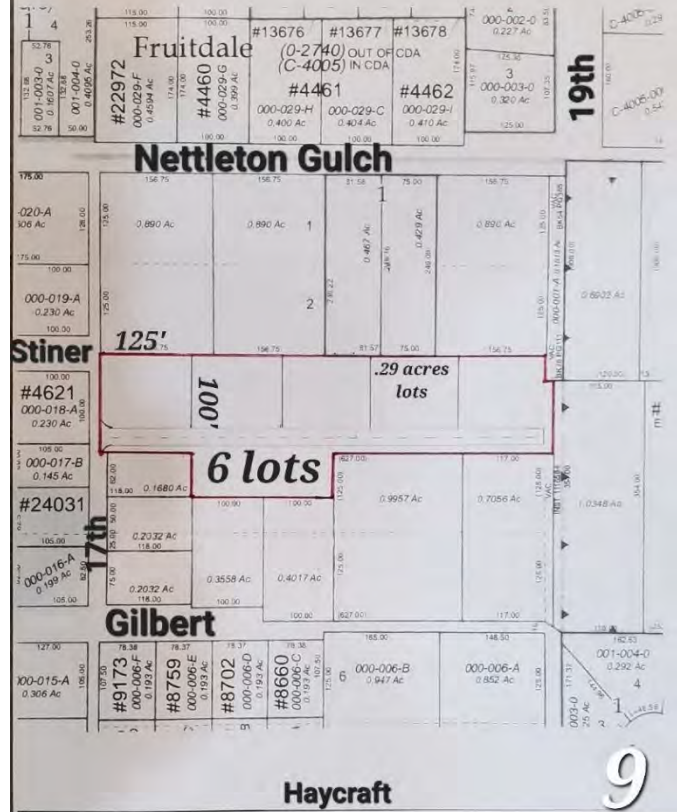
14 surrounding properties average lot .68 acres
1.7 units per acre



Haycraft
18 units
proposed property
average lot .07 acres
7.8 units per acre 2

Neighborhood's suggested proposal:

PROPOSED 5 OR 6 SINGLE LEVEL HOMES



2.6 units per acre
compared to
1.7 units per acre
on the 14 properties

FINDING #B8B:

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

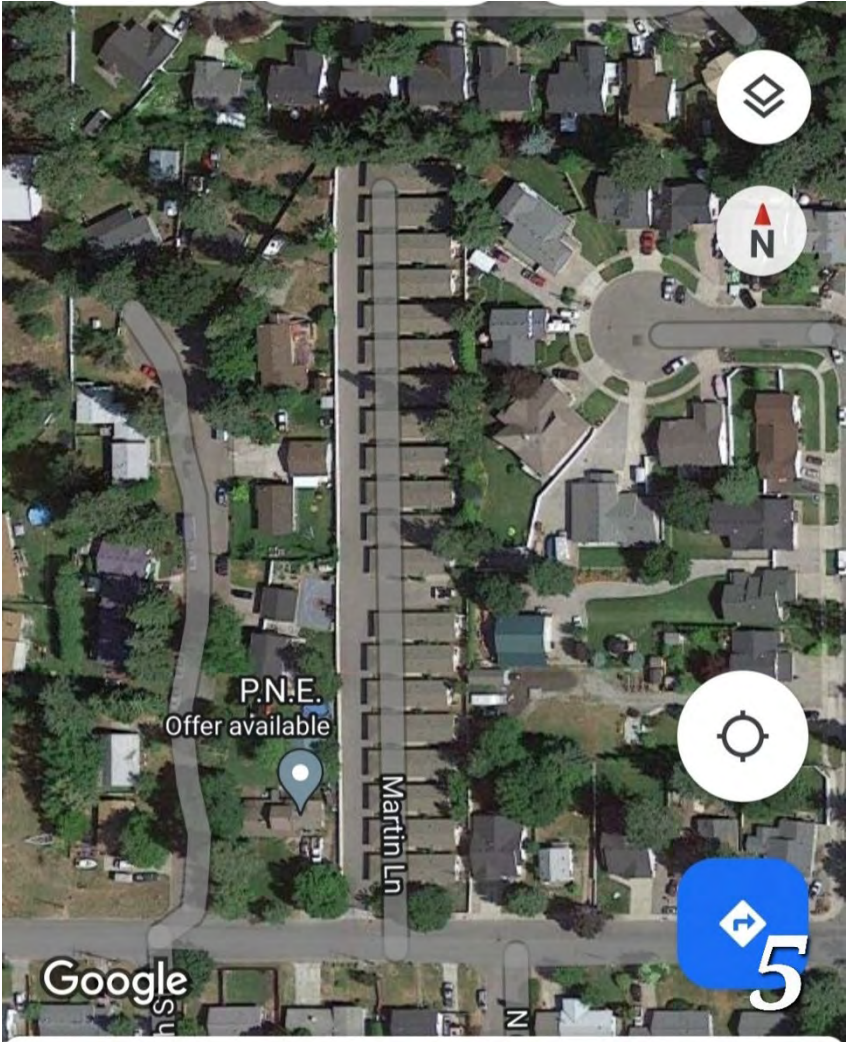
LOCATION, SETTING, AND EXISTING USES:

The neighborhood is established with larger lot sizes in the area.

There are single family dwellings to the North, East and West of the subject site. Near the project site on Gilbert Avenue, Stiner Avenue and Nettleton Gulch rd are examples of pocket housing projects, duplexes, and other infill projects.

(and to the South)

Example of what this project could look like:



Example of what this project could look like:



Another neighborhood in the area, potentially what this project looks like if our proposal of 5-6 single level homes was chosen:

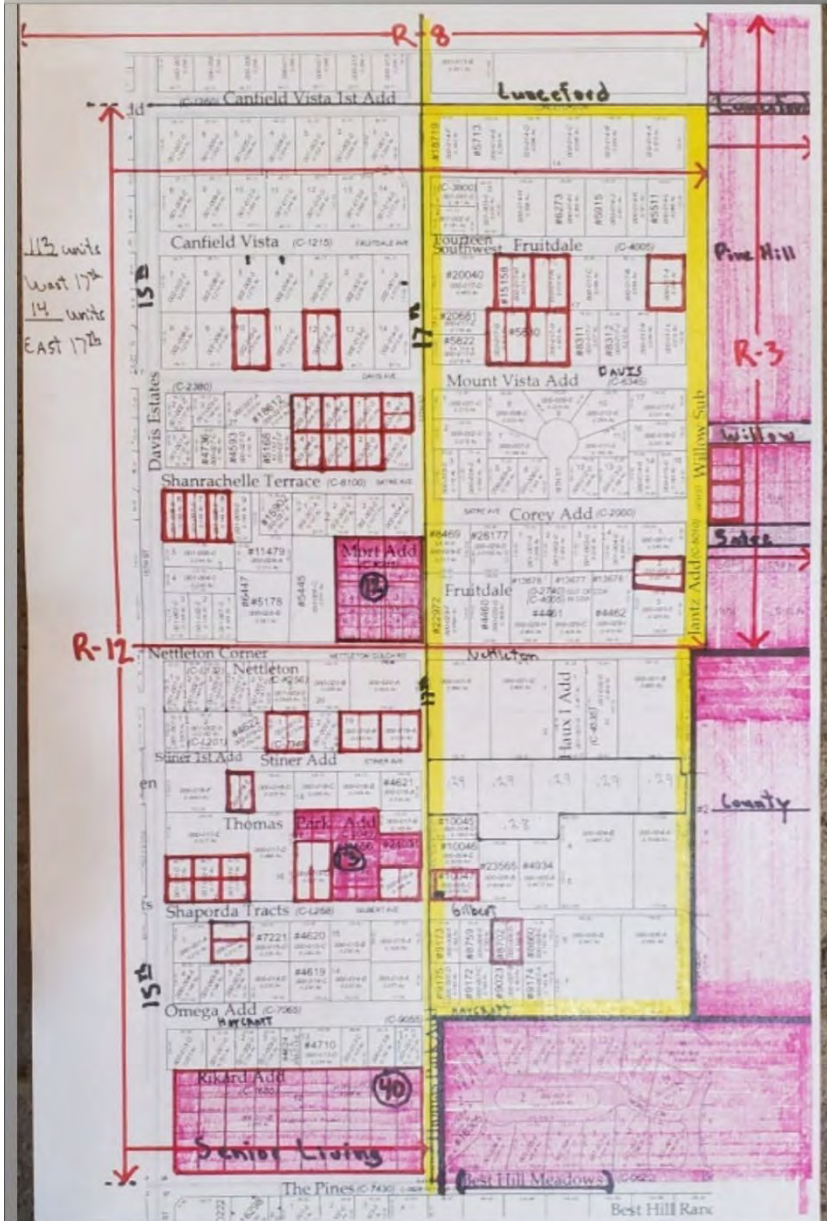


This fits and is “Compatible” with our neighborhood

"The 17th line"

113 units

West of 17th



14 units

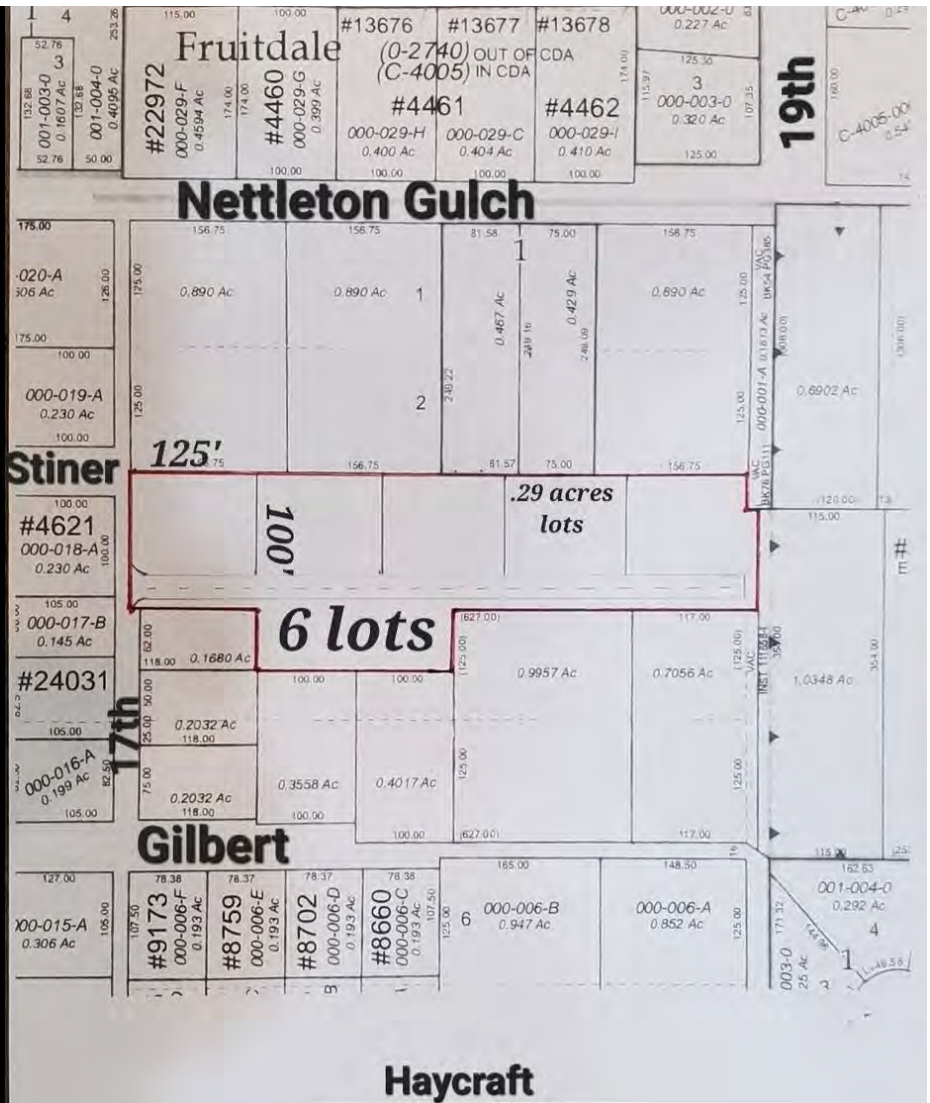
East of 17th

Why this idea works:

**Proposed 5 or 6
Single Level Homes**

**2.6 units per acre
Compared to
1.7 units per acre on
the 14 properties**

**This fits and is
"COMPATIBLE"
with our
neighborhood**



From: mail4hungerford3
To: [BADERTSCHER, SHERRIE](#); [STROUD, TAMI](#)
Subject: FW: RE: FW: Kaufman Estates
Date: Tuesday, September 26, 2023 11:50:50 AM
Attachments: [Hungerford Housing Pages_V3\(2\).pdf](#)

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Sent from my Galaxy

----- Original message -----

From: mail4hungerford3 <mail4hungerford3@aol.com>
Date: 9/26/23 11:02 AM (GMT-08:00)
To: mail4hungerford3@aol.com
Subject: FW: RE: Kaufman Estates

Hello,

My name is Tom hungerford and I live at 1717 East Nettleton gulch road. I am North of the Kaufman estates proposal About 300 feet and have a clear view of the proposal site.

I've been with my wife for 40 years, we met in 1983 in Coeur'd'alene and moved into this location on Nettleton 5 years ago about a mile from where my wife grew up. We chose this neighborhood because of the neighborhood and the house because of the age and style. It is a style of house that we love and also we wanted to buy while we were still young enough to move into our final home that would be easy for us when we get into our elder years.

This is a nice peaceful neighborhood with respectful neighbors and I have had a chance to really get to know our neighbors. One thing that I have really discovered that this is a neighborhood that is deeply passionate about preserving what we have. I have had the opportunity through this process to knock on doors and talk to people, and meet a lot of people and have really discovered that this neighborhood extends far greater than one would ever imagine. The feel for this neighborhood is hard to describe but it is definitely there.

There are so many things about this proposal that just don't work. What is a neighborhood is it the buildings, the trees, the streets? A neighborhood is the people! It's what gives the neighborhood the feel, the peace, the community, and the connectivity.

In the city's own guidelines that outline why this doesn't work.

GROWTH & DEVELOPMENT

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

This is a piece of property that is surrounded by 13 existing single level homes (and 1 two story) with an average lot size of .68 Acres and the 2.3 acres with this proposal of 18 units the lot sizes of .07 acres are much smaller. Their plan has a density of 7.8 units per acre with a current density on those 14 properties of 1.7 units per acre. This is not compatible with any of

the adjoining properties. The smallest lot is .20 acres.

There is a line that is 17th Avenue that runs in the R12 zoning from Best Avenue to Lunceford. There is high density to the West of 17th but the density is much different to the East. The average lot size is approximately .25 acres with the smallest lot in that 17th ave line to the East is

.17 acres.

COMMUNITY & IDENTITY

Goal CI 2: "Maintain a high quality life for residents and businesses that make Coeur'dalene a great place to live and visit".

Objective CI 2.1: "Maintain the community's friendly, welcoming atmosphere and its small town feel"

Goal CI 3: "Coeur'dalene will strive to be livable for MEDIAN and below income levels, including YOUNG FAMILIES, WORKING CLASS, low-income and FIXED INCOME households"

Objective CI 3.1: "Support efforts to PRESERVE EXISTING HOUSING STOCK and provide opportunities for new affordable workforce housing"

I want to address the COMMUNITY & IDENTITY . We talk about "maintaining a high quality of life for residents", and also "the community's friendly, welcoming atmosphere and a small town feel." We have that! You have a mixture of people that live in this neighborhood that are long-standing residents, and also the new young families that bring the youth to the neighborhood that help create community and a friendly welcoming atmosphere.

As part of goal CI 3 We have the median income, young families, working class, and fixed income families living in this neighborhood. I believe that our neighborhood defines 4 out of those 6 goals. This also helps with objective CI 3.1 to support efforts to "preserve existing housing stock."

This is a neighborhood that is referred to as an "AGING NEIGHBORHOOD" and has outlived it's usefulness. That is so far from the truth, people that live here choose these houses because of that. We have had many young families with children move in in the last few years.

We can look at the Downtown area, part of the reason that those houses and the value of those homes down there is so high is because of the ages, and the characteristics of the old Houses. Yes there are people that want to live in brand New homes but there are people that choose to live in older homes because they like the characteristics they have, and they are not "Cookie cutter Houses" that we so often see. Kaufman estates would be exactly that, "cookie cutter houses! I believe that is not the city's vision of having that style of home in certain area's.

GROWTH & DEVELOPMENT

Goal GD 1: "Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur'dalene a great place to live"

Objective GD 1.5 "Recognize neighborhood and district identities"

This here's the tough one! How do you achieve all those goals and objectives? I've spent a lot of time talking to to so many people through this, neighbor's, developers builders, and people from the city. I've gone to other neighborhoods and have seen how this same thing has happened and seen the results. Through all of this standing back and looking what's happened

in the last 10 years, I know that growth in any kind of business is always hard to deal with at this rapid pace.

I believe that Coeur d'Alene is trying hard to find and achieve that balance, and have taken so many steps in the right way to fit all the needs. We are a working class, median income family. My wife and myself have worked hard to get where we are to be able to buy in this neighborhood.

As part of talking to people and talking to the developer I know where the price point is approximately and I appreciate what they're trying to do, but this is not the right place for it. I also know that there are things on the market now that are right within that same price range or very close to it within a few blocks of this neighborhood. I would hope their goal would be to create cohesiveness and to help integrate into the rest of the neighborhood.

There are so many things about this proposed development that make it very difficult.

The traffic will be greatly increased with addition of approximately 60 cars. The on street parking on all the side streets because of the extra cars. Like so many people there will be boats, camp trailers, snowmobile's and other things and use our garages for storage and want to have guests over. No where for guests to park.

17th Avenue is not near wide enough to handle the traffic. 17' from Nettleton to Stiner, 19' 6" from Stiner to Gilbert, and 26' from Gilbert to Haycraft. The only sidewalk on that street would be the 127' in front of Kaufman estates.

The houses on 17th from Nettleton the Haycraft are so close to the road there is no way to put in sidewalks. This is an area where lots of young family with kids live and play and will create a really bad safety issue for all the children. By adding 18 units in there, this will make this very dangerous. Adding the 18 units will more than likely have a lot of young children that will be adding to the streets.

Now you have more cars, more people, and more kids in an extremely unsafe street situation that cannot be fixed. I have met with Chris Bosley from the Engineering and street department and we have discussed this, and he is going to meet with some of the neighbors to look at the Streets. Safety for children should be a top priority.

The water will run off that will be created because of all the asphalt and concrete.

The egress and ingress for fire and medical.

Snow storage being pushed up against all the homes to the East and the South. The water run off in the spring and potential flooding.

Light saturation , (Coeur d'Alene won award for this)

"COMPATIBLE" This clearly does not fit our neighborhood.

Five of us neighbors met With Mr Kaufman, and Jeremy Terzulli of Olson Engineering at the city in February. The neighbors proposed a more "Compatible" option that the neighborhood would fully support. We proposed that they do 5 or 6 single level homes. This is a solution that will clearly solve all the problems. I think from the beginning that they thought that we just wanted nothing at all, and all we really want is for them to come in and do something that "fits" our neighborhood, that is "compatible" with the existing, adjacent, and surrounding properties. I know the goal is to provide a need and also to make a profit and I truly believe that with 5 or 6 single level homes in there that they can still make a profit. The lot sizes would be .28 acres with an average lot size of a 125 feet by 100 feet . We are not opposed to him doing something in there at all, we are just looking for compatible ideas.

Something that fits.

This could easily be done with a 25 foot road according to code, and the density would be 2.6 units per acres, compared to 1.7 units per acre on the 14 surrounding properties.

I believe this is good for the neighbors, it would be good for Kaufman estates, and I truly think it would be a win for Coeur'd'alene to keep in tact a very unique, special, and a rare neighborhood that is a big part of all the values that Coeur'd'alene rerepresents and strives for.

Thank you
Tom Hungerford
1717 E Nettleton Gulch

Sent from my Galaxy

From: [BADERTSCHER, SHERRIE](#)
To: [STROUD, TAMI](#)
Cc: [PATTERSON, HILARY](#); [CLARK, TRACI](#); [MCLEOD, RENATA](#)
Subject: FW: Todd Kaufman appeal.
Date: Tuesday, September 26, 2023 2:49:49 PM

Another public comment to add to the staff report docs.

Best,
Sherrie

From: Tom Paulson <tpaulson087@gmail.com>
Sent: Tuesday, September 26, 2023 1:51 PM
To: BADERTSCHER, SHERRIE <Sherrie@cdaid.org>
Subject: Todd Kaufman appeal.

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I would like to register my opposition to Mr. Kaufman's appeal of his previous proposal. As was stated in the original meeting on this issue, his proposal does not fit the character of the neighborhood. Obviously Mr. Kaufman disregarded the needs and desires of the neighborhood and is focused solely on profit. We as a community would like to see our a project that encompasses the desired safety, minimum impacts of traffic and character of the neighborhood. Thank you.
Tom Paulson.



MINUTES



2. Applicant: Todd Kaufman
Location: 2810 N. 17th
Request:
- A. A proposed 2.3-acre PUD known as "Kaufman Estates PUD" QUASI-JUDICIAL, (PUD-1-23)
 - B. A proposed 18-lot preliminary plat known as "Kaufman Estates" QUASI-JUDICIAL, (S-5-23)

Tami Stroud, Associate Planner provided the following statements:

- Olson Engineering, on behalf of Todd Kaufman, is proposing a Planned Unit Development request to allow 18 lots and two (2) tracts known as "Kaufman Estates" PUD in the R-12 (residential at 12 units per acre) zoning district.
- The subject property is located at 2810 N. 17th Street, slightly southeast of Stiner Avenue, north of Gilbert Avenue and south of Nettleton Gulch Road. The property is an approximately 2.3-acre site with an existing single-family dwelling and accessory structure that will be removed. The applicant is proposing a planned unit development (PUD) as part of this request. (See PUD map on page 14).
- The PUD will consist of 18 lots, with two open space tracts, one tract that will contain a private road and the other tract will contain the required Open Space. The applicant has indicated that the 18 lots are designed for twin homes, which are like duplexes except that they are on individual lots with one shared wall and zero lot line construction, each with separate utilities, and each can be sold as real property. The project is designed for one of the units in each structure to contain a one-car garage with a smaller overall footprint, while the other unit will be larger and contain a two-car garage. The 18 proposed buildable lots will have access to a private road within the development and the private road will have a single public access connection to N. 17th Street. The total number of units would be 18. The applicant has also proposed 22 parallel parking stalls along the south side of the private road.
- The applicant is proposing 12,400 SF of open space, or 12% of the total area, that will be located in a tract known as "Tract B" on the preliminary plat. The open space amenities include a grassy area with a walking path, trees, shrubs, and a picnic area with a gazebo. The applicant has indicated that the open space area will be maintained by a Homeowners' Association (HOA).
- The applicant has indicated that this project will be completed in one phase with construction beginning in spring/summer of 2024 and completed by late 2024/early 2025. See the attached Narrative by the applicant at the end of this report for a complete overview of their PUD, and subdivision request.

HISTORY:

- This proposal originally came before the Planning Commission on August 9, 2022. As presented to Planning Commission, it was a request for 24 twin home units on the 2.3-acre parcel with two (2) Open Space tracts and a private road. Many of the owners/occupants of neighboring parcels testified in opposition to the request. The request was unanimously denied on the grounds that it was not in conformance with the Comprehensive Plan, it was not compatible with the adjacent

properties or natural features of the site, and would not be adequately served by existing streets, public facilities, and services.

- On February 10, 2023, the applicant's development team, including Jeramie Terzulli, Olson Engineering and Todd Kaufman, the owner and developer of Kaufman Estates, met with several of the neighbors surrounding the proposed development to discuss the project. The neighbors shared their concerns with the density, compatibility with adjacent uses, and their hope that single-family homes would be built on the parcel. Jeramie and Todd explained that they would like to build the twin homes and sell them individually.
- In response to the comments and feedback made at the hearing on August 9, 2022, the applicant thereafter modified his request to propose 18 twin homes, +/- 12,000 SF of Open Space that will be open to the public, and 22 parallel parking spaces proposed on the south side of the private street for visitor parking.

The applicant is requesting approval of a the "Kaufman Estates" PUD with the following deviations.

1. A residential planned unit development (PUD) that will allow for 18-lots and two tracts with the following modifications.
 - a. Lots fronting on a private street rather than a public street.
 - b. Allow for twin home type construction in the R-12 Zoning District.
 - c. Minimum Lot Area of 2,663 SF for a twin home unit rather than 3,500 SF.
 - d. Side Setback (interior) of 5' and 0' rather than 5' on one side and 10' on the other.
 - e. Street Side Setback of 5' rather than 10'.
 - f. Sidewalk on one side of street rather than sidewalks on both sides of street.
 - g. 30-foot lot frontage for each twin home lot.
2. An 18-lot, two tract preliminary plat to be known as Kaufman Estates
 - The Comprehensive Plan designates this area as Compact Neighborhood and Mixed-use Low.
 - City staff reviewed the project with no objections.
 - If approved, there are 20 recommended conditions.

Ms. Stroud concluded her presentation

Commission Comments:

Chairman Messina inquired about the R-12 zone and if duplex and Townhouses are allowed, and also questioned if there was a definition for twin homes. He said the applicant's narrative references the design of the twin homes which were based on R-17 zoning. Ms. Stroud explained in the R-12 zone that duplexes are allowed but townhomes and twin homes are only allowed with a PUD which would allow separate ownership and deviations to house style and setbacks. Chairman Messina inquired how many units would be allowed in the R-12 zone versus what they are proposing. Ms. Stroud commented and explained that 2.3 acres divided by 5500 for a single-family dwelling would allow 20 or more units taking in consideration that the applicant needs to put sidewalks on both sides of the street, swales and street trees and meet setbacks that minimizes the number of units you could actually build and still meet setbacks. Chairman Messina inquired if there are other properties around this project that are similar. Ms. Stroud noted on a map where other duplexes and triplexes are located.

Commissioner Ingalls explained a year ago, when this project was originally in front of us, one of the struggles we had was compatibility as stated in Finding B8B that needs to be met and couldn't be met. He added that we have a neighborhood that is surrounded by various mixes of homes but Finding B8B states "Compatible with adjacent properties" and explained looking at the houses on the north, south, east etc. those properties adjacent are bigger. Mr. Adams explained that the word adjacent is defined in our code "Adjacent means near, close or abutting".

Mr. Coppess commented that there are two additional parking spaces per unit. Ms. Stroud explained that there are 22 parallel parking stalls on the street and explained that our code requires two parking stalls per unit. They have met that requirement with one parking stall in the garage and one in the driveway.

Jeremie Terzulli, applicant representative, provided the following statements:

- He stated that this project is a perfect location for an Infill development based on location, services, and proximity to ped/bike trails.
- He noted that there are a lot of infill projects in this area located within a ½ mile radius.
- He explained the difference between duplexes and townhomes with the difference that a duplex is two units within one structure on one parcel and a townhome can be multiple units sharing a zero-lot line, each owner shares a common wall going all the way to the property line. Each unit has their own waterline similar to a single-family home.
- He added financing for this project is different than a condominium where you get a conventional mortgage because you have a legal description, and own the lot.
- He explained that the vision of the applicant is to provide entry level home ownership.
- He commented based on feedback from last year's hearing we changed the architectural style so its more conventional and compatible with the area.
- He noted on an area map four different areas that represent 10-acre parcels east of 15th Street. He said, with our proposal, those 18 twin homes would have less density compared to the homes in these four different areas.
- He described the property as vacant, with a house on it that will be demolished and that the larger trees on the property will be preserved to act as a barrier between property owners.
- He stated the property is located over the aquifer.
- He stated that we will be required to pave 17th Street.
- He commented that staff did a great job covering the Comprehensive Plan policies stating that this property is consistent with the land use map, compact neighborhood and close to commercial corridors. He added that we intend for this project to be entry level workforce housing.
- He explained that the owner employs many people in the area and is struggling to find help as his business expanded with the biggest complaint not able to buy a house in this community.
- He stated the development team previously met with city staff many times to discuss various designs.
- He explained that the city engineer indicated that there might be some traffic impacts, but increases on 17th Street will be minimal.
- He commented that our open space exceeds 10%
- He stated that we will offer 54 off-street parking spaces that includes parking in the garage and based on information from staff people will use the garage for storage. He added that, with an additional 22 parking stalls along the street, we don't anticipate parking to spill out into the roadway.
- He showed a rendering of what the homes will look like using a 3-D image of the area and explained that we eliminated one of the homes in the southern portion to provide additional open space. We are asking for sidewalks on only one side of the street, but we intend to provide crosswalks for safety.
- He explained the differences that were made from last year's project.
- He added that we did change the style of the homes from modern to contemporary.

- He stated by adding two car garages eliminates the need for additional parking on the street.
- He stated that, “By Right” with the current zoning, we could submit eight (8) duplexes without going through this process. He added that, after last year’s denial, the development team took the feedback from the neighborhood to see if we could get only duplexes in this area and noted that design on the screen. He explained the duplex project would meet all city standards.
- He stated that staff encouraged us to meet the neighbors to see if we could come up with a compromise.
- He explained that they later came back with a plan we are submitting tonight which is the twin home design.

The applicant’s representative concluded his presentation.

Commission Comments:

Commissioner McCracken appreciates the comparison on the two options but curious between the two what is the parking difference. Mr. Terzulli said the only difference would be not to have any on street parking that would have to be contained in the driveways.

Commissioner Ingalls explained our mission is to look out for property owner rights and questioned if this was denied and appealed by council would the applicant choose option 2. Mr. Terzulli explained that the owner bought the property a year and a half ago and has incurred over \$50,000 in costs from design fees. If this request does not get approved, he has a decision to either develop it as a duplex project or sell the property. Commissioner Ingalls explained after hearing a bunch of emotional testimony last year, we still have to meet our findings and even through it was denied I made the comment at last year’s hearing that “change is coming” and the only way for the neighborhood to keep this property as a park would have the neighbors to buy it.

Commissioner Fleming questioned if the park is going to be public. She said that, with cars allowed to park on the street in front of the park, it would be hard to access the park for people who are walking to the park. She suggested removing the parking stalls in front of the park or adding curb cuts with two dedicated entry points for ingress/egress. Mr. Terzulli explained that staff has a slide showing a crosswalk going to the sidewalk with curb cuts. He added that the lines on the drawing represent parallel parking stalls.

Commissioner Fleming commented that she draws designs for a living and these elevations are “scary,” with four different roof lines and stair-stepping windows up a staircase, and commented this project is a mess and that doesn’t have a unified look. She described the design as a big box with two pop-outs and a shed roof. She suggested trying to be thoughtful with the design and make it look like one building. She added that she wouldn’t want to see this design of building built in the neighborhood. It doesn’t have a traditional look.

Chairman Messina inquired if the design of the project would be part of the PUD if this project were approved. Ms. Patterson said that design is out of the Commission’s purview unless it’s tied to one of the findings. Chairman Messina inquired if we could put a condition on this project if approved, saying something about changing the design. Ms. Patterson explained that the design could be addressed if the Commission felt like it was part of Finding B8B. Mr. Adams added that it would be difficult for the commission to micromanage the design and that the Code talks about design compatibility with the location, setting and existing uses, and it is not the purpose of this Commission to impose their personal views on design. Commissioner Fleming commented that she recognizes that the Commission is not a Homeowner’s Association, but she won’t give her blessing to something that is below her standard.

Commissioner McCracken inquired if the applicant has determined a price point for these homes. Mr. Terzulli said we estimate mid-\$400,000 for the units with a two-car garage and mid-\$300,000 for units with a one-car garage.

Tom Hungerford provided a PowerPoint comparing the lot sizes of the surrounding area, which are .68

acres, with these lots, which are .08 acres, and talked about the neighborhood and compatibility. He cited Finding B8B and feels that finding can't be met based on the lot sizes. He added that there are 17 duplexes on the west side of 15th Street. If 17th Street is the dividing line, there are 113 duplexes and on the east side there are only 14 on the west side. So, the proposal doesn't fit in this location. He added that we did meet with the applicant who presented a 3rd option and we proposed to put 5-6 single family homes on the property, which would still make money for the applicant and would be compatible with the neighborhood. He showed an example on Willow and 19th of a similar setup that could be built and fit the neighborhood.

Rick Rainbolt commented he lives on Gilbert and the applicant didn't address where the snow is going. He said the previous plan showed the snow going to his property line and now, on this plan, snow storage isn't addressed. He doesn't get the applicant's calculations on parking spaces. He explained that, based on nine homes with three off-street parking, there would be 27, and he said that with 22 on the street, there would be 49 not 54 total spaces.

Kevin Jacobson commented that, on this plan, there are no cul-de-sacs which means the applicant intends to expand the project to the east or wait for the aging community to leave. He questioned the length of the driveways and said if the driveways are not long enough cars will block the sidewalk. He stated that the traffic is terrible on Nettleton Gulch Road and trying to turn on 15th Street is impossible. He added that 17th Street isn't paved and that the applicant will pave that street with this project. But he is concerned that this project's required improvements to 17th Street will be taking property from the people living on the east/west of 17th Street who have no parking and have to park on the road.

Megan Johns commented that she abuts the northern boundary and that she also testified last year about incompatibility. She commented that the big difference with this plan versus the one last year is instead of 5 units will have 4 units to look at from her back yard. She added with this plan it is lower density, but is concerned with compatibility with the design of the neighborhood. She feels that if approved this has the potential for many short-term rentals. She added she was at the meeting with the developer in February and in that meeting the owner stated "He will buy from whoever sells". She asked that if the Commission approves the applicant, to stress to the applicant that they need to work with the neighborhood.

Dave Patzer stated he lives on Nettle Gulch Road and wasn't able to attend last year's meeting and is opposed to two things: He doesn't like PUD's and knows that the developer gives tradeoffs for deviations in a PUD. He added the developer is promising to pave 17th Street and provide 12% open space that will be available to the public. He explained that he served on the Park/Rec Commission and was part of the group that worked on the Riverstone Park. He remembers the concessions that the developer gave to the city for Bellerive, which was riverfront access to the public for perpetuity, and he commented that when he and his wife were walking on that boardwalk, he felt the residents don't want the public on that boardwalk. He worries when this developer promises that the open space will be open to the public, that the new residents would not want it to be open to the public.

Amber Hicks is concerned with the safety for all kids who play and ride bikes on this street. She has concerns with the definition for a compatible neighborhood that states a Compact Neighborhood has an established street grid with bike/ped facility and we don't have any of that in our neighborhood.

Mike Oliver stated that he was on the fence about this project when coming here tonight and he supports private property rights, but after hearing the presentations he is now opposed to this project. He commented that, after hearing the applicant's presentation, it lacks integrity and explained that the applicant stated that they met with neighbors and lived in this area for 25 years and that nobody came to his door. He added that 17th Street is too small and that the applicant is proposing this street goes to the end of the development. He asked how are they going to widen the street to make it safe for the kids.

Shannon Sardell commented that she lives on Nettleton Gulch Road and that the south side of her property will be directly affected by this proposal. She is opposing the current plan for 18 units. She added that her family is very active in the neighborhood and they like this neighborhood, and she feels that everyone is accountable to each other and if one person speeds through the neighborhood that

everyone would know about it and would ask them to slow down. She added that the density proposed doesn't fit and what is proposed is doubling the density of what exists today.

Elise Bell stated she is going to start driving soon and she is concerned about the snow and where people will park. She likes to ride her bike and is concerned that there will be no storage for people who have bikes and other toys since garages are generally used for storage and not to park their cars.

Todd Kaufman stated that he bought this property a year ago and wanted to build some houses. The property is zoned R-12 which is 12 units/per acre. When the older residences in the area are demolished, they will be replaced by more units per acre. That was the intention of how the area was zoned. He added we are proposing 76 parking spaces between garages, driveways and the on-street parking on the private street. We are only required to provide 36 parking spaces. He addressed the design of the homes and said he wasn't going to spend a lot of money on the architecture at this time, which isn't what we are approving today. They will figure out the design later when it will be addressed at the building permit stage. He added the city isn't concerned about traffic and that snow will be stored in the swales. He added that he doesn't want to have rental properties and that is why they designed these as townhomes.

Keith Clemans commented he lives near Nettle Gulch Road and stated that this proposal doesn't fit this area and is concerned with the number of parking spaces

Robert Mesah stated we have seen this proposal before and feels these units will be rentals with parking issues. He added that people are getting upset and moving out of the area. He explained that 17th Street is an alley. He said the entire property slopes to the south and west and will shed water, which will go onto his property.

Nathaniel Hause stated that his family has been in his house for 60 years and doesn't want to have a lot of houses in their backyard.

Shelly Costco stated this property is intended for single family homes and has concerns with the beauty of the land and that is the reason we moved into this area.

Rebuttal:

Jeremie Terzulli made the following comments

- He explained that there would be nine (9) homes with two stalls in the garage and two stalls in the driveway. Each unit with a one-car garage would each have one space in the garage and one in the driveway with a total of 54 off-street parking spaces. Additionally, there would be 22 parallel parking spaces on the road.
- He explained the stormwater by saying there is a swale on the southside of the private street that will be able to catch water and hold snow.
- He noted the staff report on page 27 where it states that all stormwater will be contained onsite and that a stormwater plan is required by the city.
- He commented that people are speculating that these homes will be rentals and stated that he believes in the free market. If an investor wanted to buy all of these lots to use as rentals, they would be wanting a discount on the land price. He explained that it's the applicant's intent to provide an entry level home and to turn a modest profit.
- He commented that he did discuss with Mr. Hungerford about his proposal for six (6) custom homes versus twin homes. Custom homes would be expensive and would not meet the applicant's goal or community need. The applicant's goal is to provide entry level housing and hopefully getting a modest profit. He explained that, by the time you put in the infrastructure, the home price plus the lot would be around \$1.2 million, which is not an entry level home.

Public testimony closed.

Discussion:

Commissioner Ingalls stated this is a better plan than what we saw last year. The parking is better and there are fewer units. He added this is better than an alternative of having duplexes which is doable by right. He stated in previous testimony it was stated that the individual said they didn't like PUD's because of the concessions that are made. He would disagree. He explained that there are appropriate places for PUD's. He added that PUD's give you cluster housing which can provide additional open space and may result in a better project. He added he struggles with this project. He acknowledged that this meets the gross density and is less than what is allowed (18-27 units). He stated in previous testimony they showed a slide of a pocket housing development on the north side of Lunceford and the homes were all lined up like a "drill team." There is a question of compatibility with that pocket housing development and with this proposal. He can't support this request.

Commissioner Coppess commented that he went back and watched the previous hearing and that there has been an effort by the applicant to approach the community. He noted that there were numerous remarks on safety, Wastewater/Stormwater, and discussion on what the free market will look like. He commented that he doesn't think the city is going to approve something that isn't safe. But, he added the issue with growth and development and recognizing a neighborhood's distinct identity. He referenced how the project would affect the abutting properties and said even with a 3-D picture showing how this development will fit on the property that it won't look like that. Maybe this design might fit in another area of the city.

Commissioner McCracken commented she sees both sides and appreciates the efforts from the developer to make some changes but neighborhood integrity is a concern and concurs that this might not be the right area for this development. She added that she appreciates being able to buy your home but she can't get past the neighborhood character and that the project doesn't fit with the neighborhood.

Commissioner Fleming concurs and maybe this project is too soon and the impact overrides this unified community but she appreciates the efforts.

Chairman Messina concurs. He acknowledged that they can do single-family homes and duplexes by right in the R-12 zoning district. This project is not compatible with the neighborhood.

Commissioner Ingalls went through the findings required to approve a PUD.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Coppess	Voted	Aye
Commissioner McCracken	Voted	Aye
Chairman Messina	Voted	Aye

Motion to deny carried by a 5 to 0 vote.

Commissioner Ingalls went through the findings required to approve a subdivision.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Coppess	Voted	Aye
Commissioner McCracken	Voted	Aye
Chairman Messina	Voted	Aye

Motion to deny carried by a 5 to 0 vote.

Planning Commission Findings

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

PUD-1-23

A. INTRODUCTION

This matter, having come before the Planning Commission on August 8, 2023, and there being present a person requesting approval of PUD-1-23, a request for a planned unit development known as "Kaufman Estates."

APPLICANT: TODD KAUFMAN

LOCATION: +/- 2.23 ACRE PARCEL LOCATED SOUTH OF EAST SIDE OF N. 17TH STREET AND E. STINER AVENUE AND SOUTH OF NETTLETON GULCH ROAD.

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

The Planning Commission adopts Items B1 to B7; to wit:

- B1. That the existing land uses are Residential and Commercial.
- B2. That the Comprehensive Plan Map Designation Compact Neighborhood/Mixed Use-Low.
- B3. That the zoning is R-12.
- B4. That the notice of public hearing was published on July 22, 2023, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on August 1, 2023, which fulfills the proper legal requirement.
- B6. That 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 August 8, 2023.

The Planning Commission further finds:

B8. That, pursuant to Coeur d'Alene Municipal Code Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the criteria set out in the Code to the satisfaction of the Planning Commission.

B8A. The proposal does not conform to the following provisions of the Comprehensive Plan:

Community & Identity

OBJECTIVE CI 1.1

Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 3

Coeur d'Alene will strive to be livable for median and below income levels, including young families, working class, low income, and fixed income households.

Environment & Recreation

Goal ER 1

Preserve and enhance the beauty and health of Coeur d'Alene's natural environment.

Growth & Development

Objective GD 1.5 Recognize neighborhood and district identities.

Goal GD 5

Implement principles of environmental design in planning projects.

B8B. The design and planning of the site is not compatible with the location, setting and existing uses on adjacent properties. This finding is based on the effective density, the overall layout of the buildings, the incompatibility of the architectural style, and the incompatibility of the massing of buildings and layout of distance and deviations requested with adjacent structures, single family homes and larger lots.

B8C. The proposal is compatible with natural features of the site and adjoining properties. This is based on the site being relatively flat with no physical constraints, such as a stream or rock outcroppings.

B8D. The location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services. This is based on the information provided by City staff as discussed in the staff report on pages 24-27 and including staff comment that supports the adequacy of water, wastewater, etc.

- B8E The proposal does provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes. Twelve percent (12%) open space has been provided.
- B8F Off-street parking does provide parking sufficient for users of the development. This is based on City standards as set by the Municipal Code.
- B8G The proposal does provide for an acceptable method for the perpetual maintenance of all common property. This is based on the applicant's commitment to form an HOA for this purpose.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned findings of fact, finds that the request of Todd Kaufman for approval of the planned unit development, as described in the application, should be denied.


Motion by Ingalls, seconded by Coppess, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted Yes
Commissioner Ingalls	Voted Yes
Commissioner Coppess	Voted Yes
Commissioner McCracken	Voted Yes
Chairman Messina	Voted Yes

Commissioners Ward and Luttrupp were absent.

Motion to deny carried by a 5 to 0 vote.


 CHAIRMAN TOM MESSINA

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

S-5-23

A. INTRODUCTION

This matter, having come before the Planning Commission on August 8, 2023, and there being present a person requesting approval of S-5-23, a request for a preliminary plat known as “Kaufman Estates.”

APPLICANT: TODD KAUFMAN

LOCATION: +/- 2.23 ACRE PARCEL LOCATED SOUTH OF EAST SIDE OF N. 17TH STREET AND E. STINER AVENUE AND SOUTH OF NETTLETON GULCH ROAD.

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

The Planning Commission adopts Items B1 to B6, to wit:

- B1. That the existing land uses are Residential and Commercial.
- B2. That the zoning is R-12.
- B3. That the notice of public hearing was published on July 22, 2023, which fulfills the proper legal requirement.
- B4. That the notice was not required to be posted on the property.
- B5. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B6. That public testimony was heard on August 8, 2023.

The Planning Commission further finds: B7. That, pursuant to Coeur d’Alene Municipal Code Section 16.10.030(A)(1), Preliminary Plats, in order to approve a preliminary plat, the Planning Commission must find that the criteria of the Municipal Code are met.

B7A. That all of the general preliminary plat requirements have been met as determined by the City Engineer or his designee. This is based on the statement on page 26 of the staff report stating that “The City Engineer has attested that all preliminary plat elements have been met as required by code”.

B7B. That the provisions for sidewalks, streets, alleys, rights-of-way, easements,

street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities are not adequate. This is based on the assessment that the design of the project does not meet city standards unless deviations are granted in conjunction with a PUD. Because the PUD with the requested deviations was denied, this subdivision finding cannot be met.

- B7C. That the proposed preliminary plat does not comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements. This is based on the assessment that the preliminary plat does not meet the subdivision design standards or improvement standards unless deviations are granted in conjunction with a PUD. The PUD with the requested deviations was denied. Therefore, the proposal does not meet City standards..
- B7D. The lots proposed in the preliminary plat do not meet the requirements of the applicable zoning district. This is based on the assessment that the preliminary plat does not meet minimum lot sizes or minimum street frontages without deviations granted through the PUD process, which was denied.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned findings of fact, finds that the request of Todd Kaufman for preliminary plat of approval as described in the application should be denied.


Motion by Ingalls, seconded by Fleming, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted Yes
Commissioner Ingalls	Voted Yes
Commissioner Coppess	Voted Yes
Commissioner McCracken	Voted Yes
Chairman Messina	Voted Yes

Commissioners Ward and Luttrupp were absent.

Motion to deny carried by a 5 to 0 vote.


CHAIRMAN TOM MESSINA

City Council Meeting



October 3, 2023

PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

This is an appeal of the Planning Commission's decision on August 8, 2023, to Deny the request of Todd Kaufman for a proposed Planned Unit Development consisting of 18 lots and two (2) tracts known as "Kaufman Estates" PUD, and a Subdivision Preliminary Plat.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

APPLICANT/OWNER

Todd Kaufman
3389 E. Harrison Avenue
Coeur d'Alene, ID 83814

ENGINEER/REPRESENTATIVE:

Jeramie Terzulli, Olson Engineering
PO Box 1894
Coeur d'Alene, ID 83814

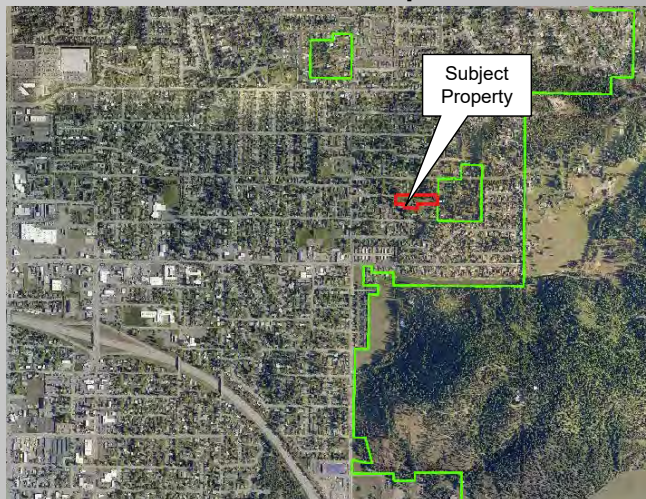
SUBJECT:

Request for approval of a proposed Planned Unit Development (PUD) on 2.23 acres and Preliminary Subdivision Plat approval.



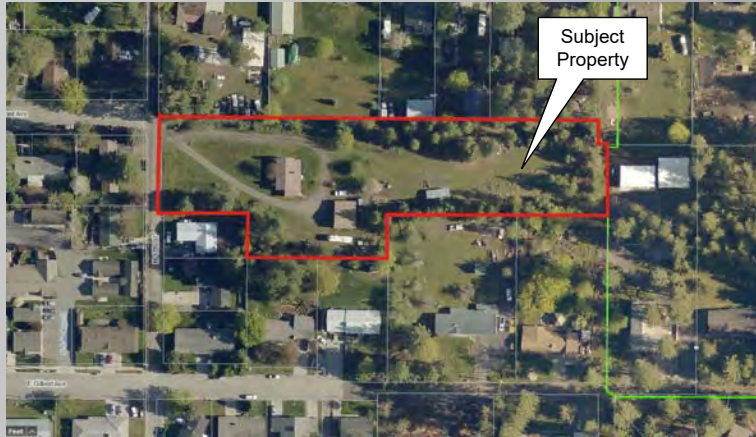
PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Area Map



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Aerial Photo



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Bird's eye view of the subject property looking west



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

LOCATION:

Property is located on the east side of N. 17th Street and E. Stiner Avenue and south of Nettleton Gulch Road.

LEGAL NOTICE:

Published in the CDA Press on September 16, 2023.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

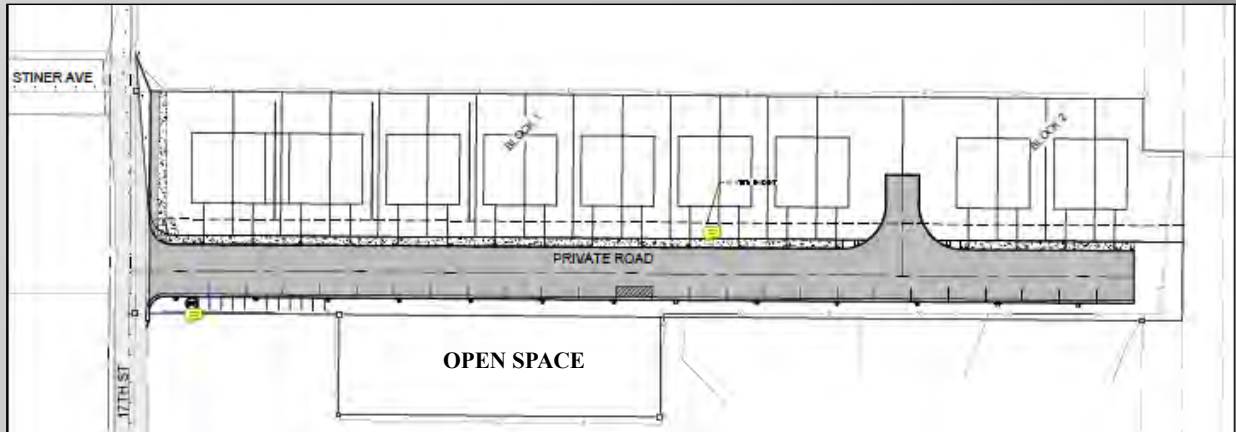
TWO DECISION POINTS:

- Olson Engineering, on behalf of Todd Kaufman is requesting approval of twin home Planned Unit Development; and
- A 18-lot (2-tract) preliminary plat to be known as "Kaufman Estates" PUD.



PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

"Kaufman Estates" PUD Overview



PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

DEVIATION REQUESTS:

- Lots fronting on a private street rather than a public street.
- Allow for twin home type construction in the R-12 Zoning District.
- Minimum Lot Area of 2,663 SF for a twin home unit rather than 3,500 SF.
- Side Setback (interior) of 5' and 0' versus 5' and 10'.
- Street Side Setback of 5' rather than 10'.
- Sidewalk on one side of street rather than sidewalks on both sides of street.
- 30-foot lot frontage for each twin home lot.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

History and Appeal Request



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

PUD-1-23: PUD FINDINGS

PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Planned Unit Development Findings

Finding #B8A:

The proposal (is) (is not) in conformance with the Comprehensive Plan.

Finding #B8B:

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

Finding #B8C:

The proposal (is) (is not) compatible with natural features of the site and adjoining properties.

PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Planned Unit Development Findings

Finding #B8D:

The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing public facilities and services.

Finding #B8E:

The proposal (does) (does not) provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.

PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

Planned Unit Development Findings

Finding #B8F:

Off-street parking (does) (does not) provide parking sufficient for users of the development.

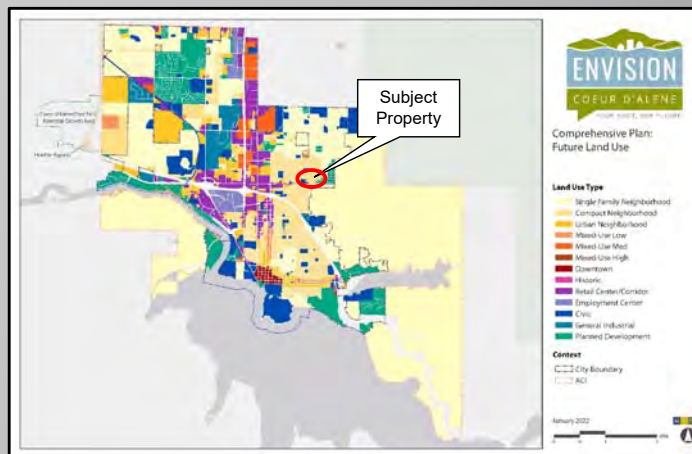
Finding #B8G:

That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.

PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

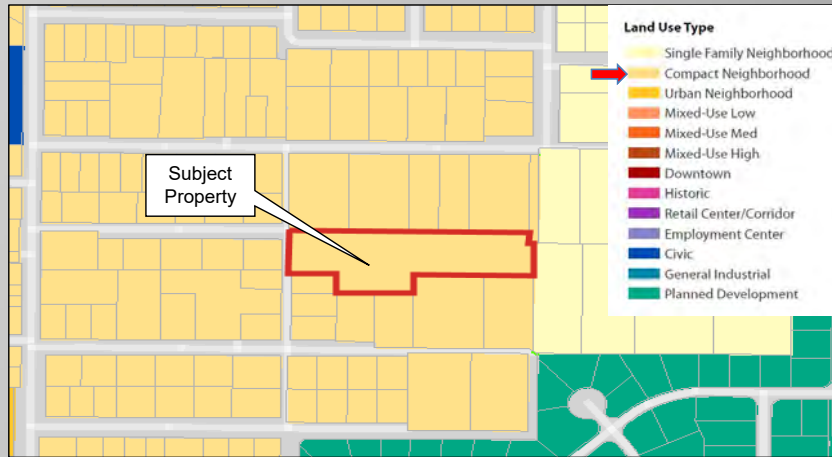
Finding #B8A:

That this proposal (is) (is not) in conformance with the 2042 Comprehensive Plan Land Use Map.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

2042 COMPREHENSIVE PLAN LAND USE MAP: Site Location



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

The subject site lies within the Compact Neighborhood designation in the 2042 Comprehensive Plan.

Compact Neighborhood

Key Characteristics
Compact Neighborhood places are medium density residential areas located primarily in older locations of Coeur d'Alene where there is an established street grid with bicycle and pedestrian facilities. Development is typically single-family, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts. Supporting uses typically include neighborhood parks, recreation facilities, and parking areas.

Transportation
• Gridded street pattern with pedestrian and bicycle facilities.

Typical Uses
• Primary: Single and mixed residential
• Secondary: Neighborhood parks and recreation facilities, parking

Building Types
• Single family, duplexes, triplexes, four-plexes, townhomes, green courts, and auto-courts

Compatible Zoning
• R-12 and R-17; MH-8; NC and CC

Compatible Zoning Districts within the "Compact Neighborhood" Place Type:

- R-12, R-17, MH-8, NC and CC Zoning Districts.



PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

Existing and Planned Bicycle Network:



Existing and Planned Walking Network:



Existing Transit Network:



PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

Comprehensive Plan Policy Framework:

Community & Identity

Goal CI 1: Coeur d'Alene citizens are well informed, responsive, and involved in community discussions.

Objective CI 1.1: Foster broad-based and inclusive community involvement for actions affecting businesses and residents to promote community unity and involvement.

Goal CI 2:

Maintain a high quality of life for residents and business that make Coeur d'Alene a great place to live and visit.

OBJECTIVE CI 2.1

Maintain the community's friendly, welcoming atmosphere and its small-town feel.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Comprehensive Plan Policy Framework: *continued*

Growth & Development

Goal GD 1: Develop a mix of land uses throughout the city that balance housing and employment while preserving the qualities that make Coeur d'Alene a great place to live.

Objective GD 1.6: Revitalize existing and create new business districts to promote opportunities for jobs, services, and housing, and ensure maximum economic development potential throughout the community.

Jobs & Economy

Goal JE 1: Retain, grow, and attract businesses.

Objective JE 1.2: Foster a pro-business culture that supports economic growth.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Finding #B8B:

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

Duplex and Pocket Housing projects near the subject property:



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Site Photo - 1

*Looking east from
17th Street and
Stiner Avenue at
the subject
property.*



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Site Photo - 2

View from the center of the subject property looking east. Existing home on the left.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Site Photo - 3

View from a portion of the subject property looking west at the existing storage building on the site.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Site Photo - 4

View from the subject property looking north at the neighboring property.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Site Photo - 5

View from the center of property looking west toward 17th Street and Stiner Avenue.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Site Photo - 6

View from the western edge of the subject property looking west toward Stiner Avenue.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Site Photo - 7

View from 17th Street and Stiner Avenue looking south with the subject property on the left.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Site Photo - 8

View from 17th Street looking north toward Nettleton Gulch Road.



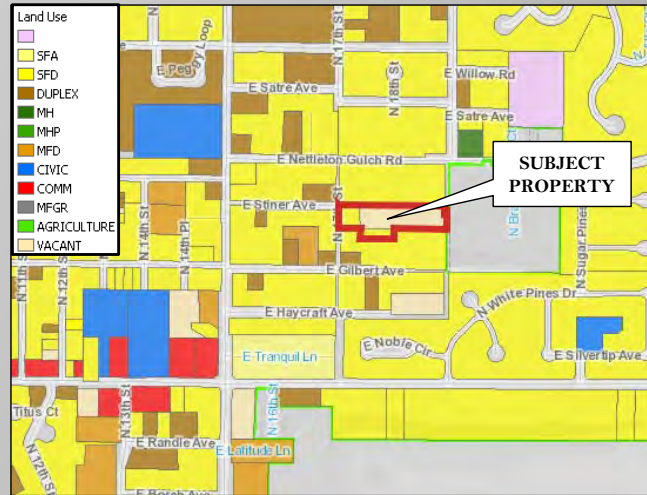
PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Zoning Map



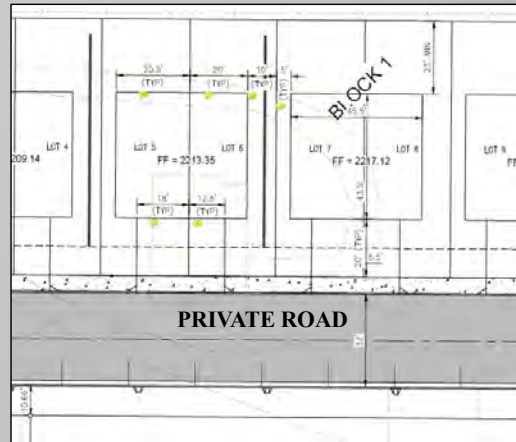
PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Land Use Map



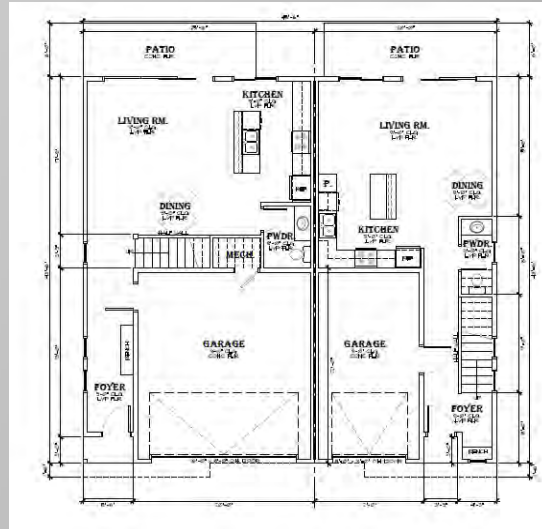
PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Lot Layout/Building Footprint



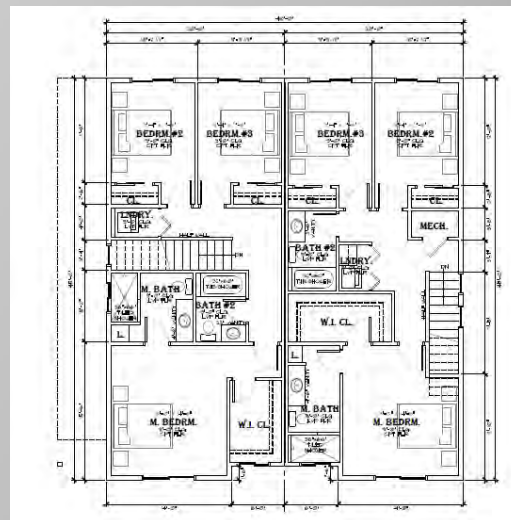
PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Twin Homes (illustrative only) Lower Floor Plan



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Twin Homes (illustrative only) Upper Floor Plan



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Example of the architecture type anticipated for the site: Front view



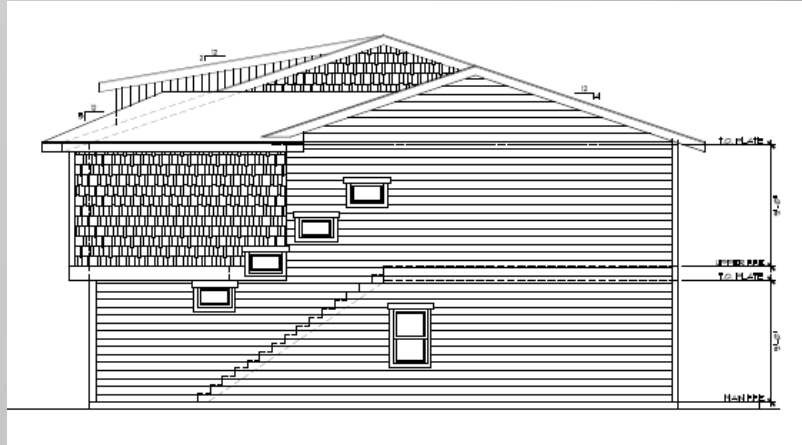
PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Architecture Examples: Rear view



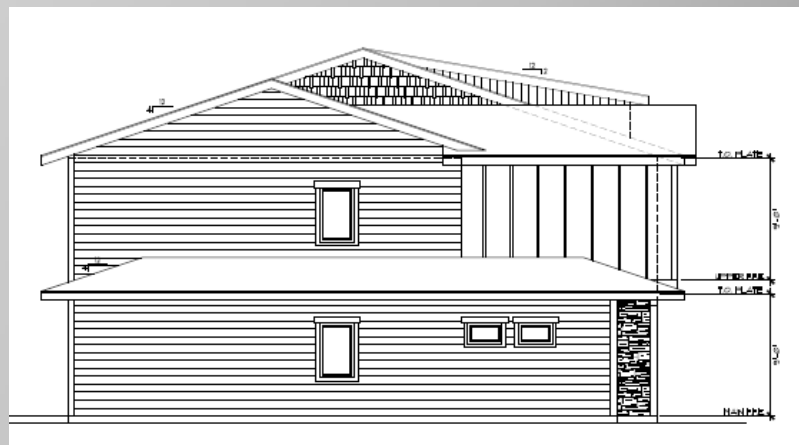
PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Architecture Examples: Side view



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Architecture Examples: Side view



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Finding #B8C:

The proposal (is) (is not) compatible with natural features of the site and adjoining properties.



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Finding #B8D:

The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing public facilities and services.

- City staff from Engineering, Streets, Water, Fire, Parks, and Wastewater departments have reviewed the application request in regards to public utilities and public facilities.
- City Staff has indicated that there are adequate public services and facilities available. However, city staff has recommended conditions that must be met in order to meet this requirement.

See staff comments which can be found in finding #B7B; (Subdivision; pg. Pages 30-32)

PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

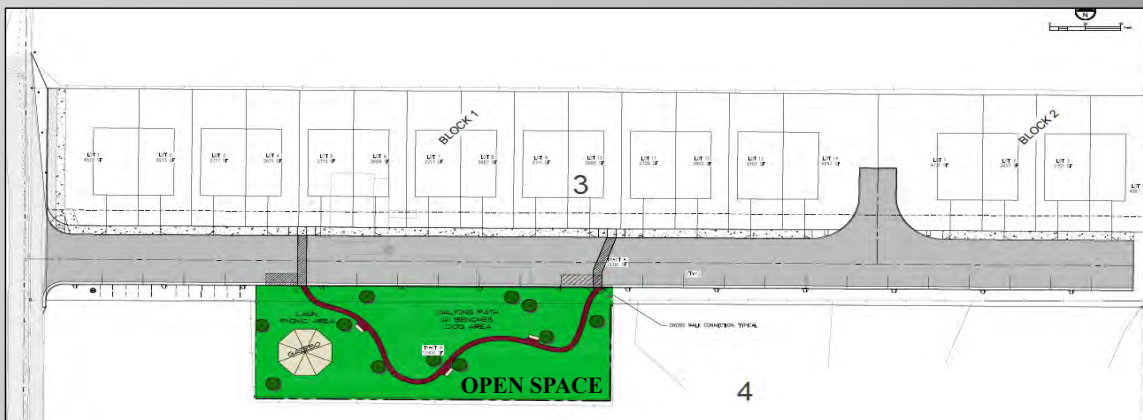
Finding #B8E:

The proposal (does) (does not) provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.

- Twelve percent (12%) open space will be provided for residents of Kaufman Estates.
- The open space area will include a grassy area, trees, shrubs, walking path, gazebo and picnic area.

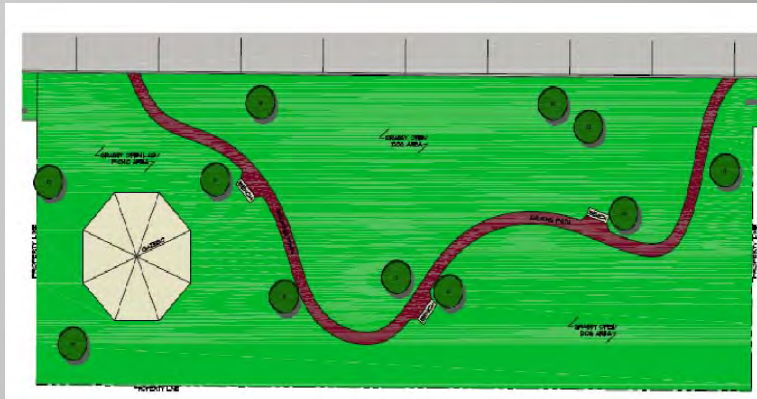
PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

Lot Layout/Site Plan



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

**Open Space: Grassy area with lawn, trees, shrubs,
walking path, picnic area**



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Open Space: Example of grassy area/Gazebo and Picnic area



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Finding #B8F:

Off-street parking (does) (does not) provide parking sufficient for users of the development.

- There was no request to change the off-street parking requirements through the PUD process.
- +22 parallel parking spaces have been proposed on the south side of the private street.

PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Finding #B8G:

That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.

The Open Space areas will be maintained by an HOA and will be opened to the public.

PUD-1-23: "Kaufman Estates"
S-6-23: 18-Lot Subdivision

S-5-23: SUBDIVISION FINDINGS

PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

S-5-23 SUBDIVISION FINDINGS

Finding #B7A:

That all of the general preliminary plat requirements (have) (have not) been met as attested to by the City Engineer.

Finding #B7B:

That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities (are) (are not) adequate.

Finding #B7C:

That the proposed preliminary plat (does) (does not) comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements.

PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

S-5-23 SUBDIVISION FINDINGS

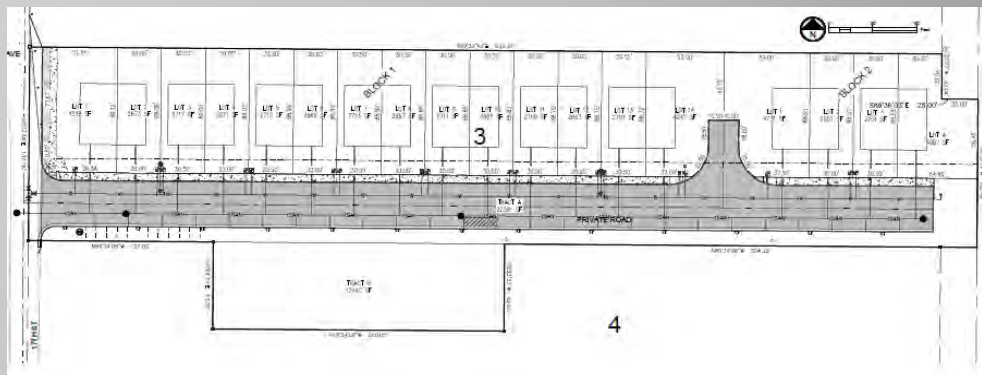
Finding #B7A:

That all of the general preliminary plat requirements (have) (have not) been met as attested to by the City Engineer.

- The City Engineer has indicated that the preliminary plat submitted contains all of the general preliminary plat elements required by the Municipal Code.
- Deviations from the required subdivision standards have been requested through the Planned Unit Development process as noted in the PUD portion of the staff report.

PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

Preliminary Plat for "Kaufman Estates"



PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

S-5-23 SUBDIVISION FINDINGS

Finding #B7B:

That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities (are) (are not) adequate.

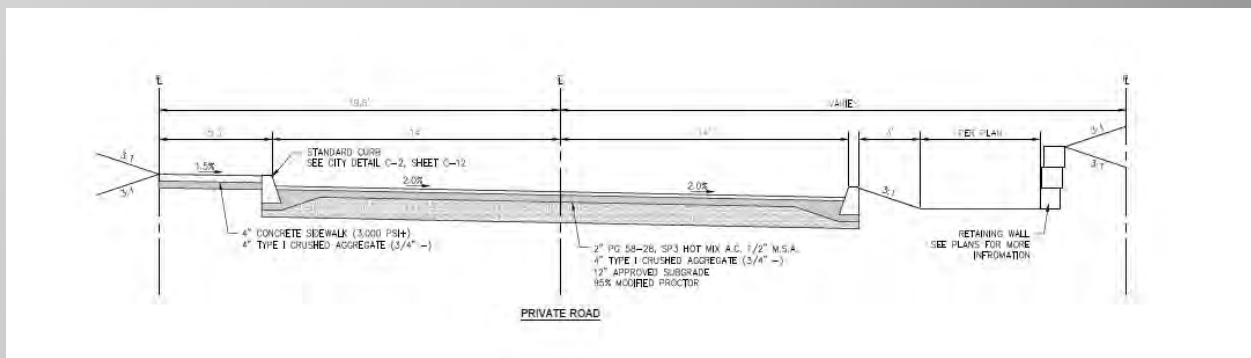
- City Staff has indicated that there are adequate public services and facilities available

See Pages 30-34 of the staff report for full staff comments.

- Staff has recommended 20 conditions as part of this PUD and subdivision request.

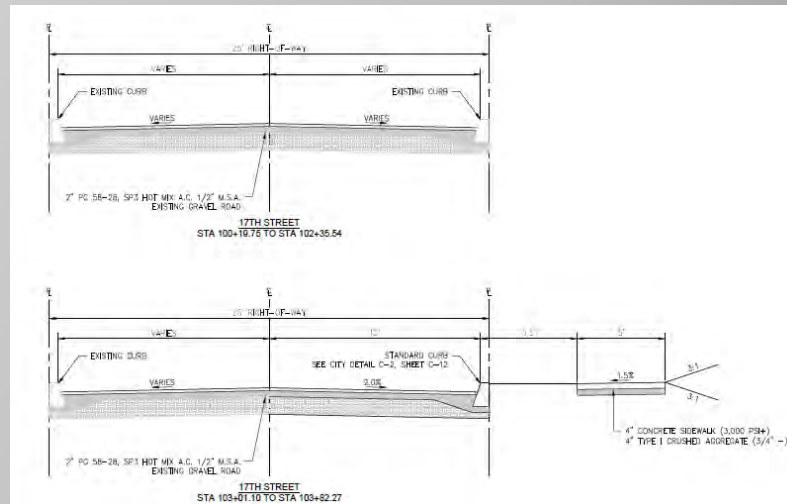
PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Street Section (Private)



PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

Street Section (17th Street)



PUD-1-23: "Kaufman Estates" S-5-23: 18-Lot Subdivision

Finding #B7C:

That the proposed preliminary plat (does) (does not) comply with all of the subdivision design standards (contained in chapter 16.15) and all of the subdivision improvement standards (contained in chapter 16.40) requirements.

- Per engineering review, for the purposes of the preliminary plat, both subdivision design standards (Chapter 16.15) and improvement standards (Chapter 16.40) have been vetted for compliance.

-Submitted by Chris Bosley, City Engineer

**PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision**

The City Council may, as a condition of approval, establish reasonable requirements to mitigate any impacts that would adversely affect the surrounding neighborhood.

RECOMMENDED CONDITIONS:

Planning:

1. The creation of a homeowner's association will be required to ensure the perpetual maintenance of the open space, all other common areas, stormwater maintenance and snow removal.
2. The applicant's requests for subdivision, and PUD run concurrently. The subdivision and PUD designs are reliant upon one another. Additionally, approval of the requested PUD is only valid once the Final Development Plan has been approved by the Planning Department.

**PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision**

RECOMMENDED CONDITIONS...

Planning:

3. The open space must be installed and completed prior to the issuance of the first Certificate of Occupancy. The open space areas shall be consistent with this approval and include the same or better amenities and features.

Streets and Engineering:

4. Right-of-way shall be dedicated to the City along 17th Street to match the existing 25-foot right-of-way width that exists to the south.
5. 17th Street frontage must be improved including concrete curb, sidewalk, and asphalt paving.
6. 17th Street must be paved full width from Stiner Ave to Gilbert Ave and No Parking signs added to both sides.

**PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision**

RECOMMENDED CONDITIONS...

Fire Department:

7. Fire hydrant locations approved as shown on plans.
8. Minimum street width is 20', 26' at fire hydrant locations.
9. NO-PARKING FIRE LANE sign installed in hammerhead.
10. Street sign stating 'Kaufman Lane.
11. Street sign stating 'Dead-end, no Outlet'.
12. Parking on south side of Kaufman Lane only.
13. No Parking' signs on north side of Kaufman Lane.

**PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision**

RECOMMENDED CONDITIONS...

Wastewater:

14. Sewer Policy #719 requires an "All-Weather" surface permitting unobstructed O&M access to the city sewer.
15. Sewer Policy #716 requires all legally recognized parcels within the City to individually connect and discharge into (1) sewer connection.
16. Idaho Code §39-118 requires IDEQ or QLPE to review and approve public infrastructure plans for construction.
17. Sewer Policy #719 requires a 20' wide utility easement (30' if shared with Public Water) to be dedicated to the city for all City sewers if private roadway.
18. Cap any unused sewer laterals at the public main in 17th St.
19. Must maintain 10-foot separation between city sewer and city water mains.

PUD-1-23: "Kaufman Estates"
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RECOMMENDED CONDITIONS...

WATER:

20. The installation of any required water main extensions, additional fire hydrants and new services will be the responsibility of the owner/developer at their expense. A minimum 20' public utility easement for any water main extension onto private property including fire hydrants is required. No permanent structures such as building foundations are allowed within the easement. Capitalization fees will be due for domestic, irrigation and/or fire services at the time of building permits.

PUD-1-23: "Kaufman Estates"
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ACTION ALTERNATIVES:

The City Council must consider this request and make appropriate findings to:

- Approve
- Approve with additional conditions
- Refer back to the Planning Commission
- Deny, or
- Deny without prejudice.

PUD-1-23: "Kaufman Estates"
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Alternatively, the city council may defer action on the request until the next scheduled hearing in order to review additional information that it deems necessary in order to render a final decision. In order to approve a preliminary plat request the city council must make the findings contained in section [16.25.030](#).

NOTE: Two separate motions are required – one for the PUD request and one for the Subdivision request. The City Council will need to make full findings for both items if it elects to approve of the request. If City Council denies the requests, it can expressly adopt some or all of the Planning Commission's findings.

PUD-1-23: "Kaufman Estates"
S-5-23: 18-Lot Subdivision

Aerial Photo

