

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

FEBRUARY 14, 2023

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

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

12:00 P.M. CALL TO ORDER:

ROLL CALL: Messina, Fleming, Ingalls, Luttropp, Mandel, McCracken, Ward

PLEDGE:

APPROVAL OF MINUTES: ***ITEM BELOW IS CONSIDERED TO BE AN ACTION ITEM.

January 10, 2023

PUBLIC COMMENTS:

STAFF COMMENTS:

COMMISSION COMMENTS:

ADMINISTRATIVE: ***ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.

1. Applicant: City of Coeur d'Alene
Request: KCEMSS Impact fee request.
Administrative

PUBLIC HEARINGS: ***ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.

** Group swear in before hearing starts*

*** Public Testimony - 3-minute limit for each person*

1. Applicant: City of Coeur d'Alene
Request: The City of Coeur d'Alene is considering an amendment to Chapter 17.08, Article X of the Municipal Code to repeal M. C. § 17.08.1030 (G) which allows a 14-day exemption for permits. In addition, it is proposed that current permit holders will be allowed to renew their permit and no applications for new permits will be accepted for one (1) year. A proposed fee increase for the annual renewal of \$84.00 (for a total of \$180.00), and violation penalties for operating without a permit as follows: \$1,000.00 for the first offense, \$2,000.00 for the second, and \$5,000.00 for the third, will be considered.
LEGISLATE, (0-1-23)

ADJOURNMENT/CONTINUATION:

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

**The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Shana Stuhmiller at (208)769-2240 at least 72 hours in advance of the meeting date and time.*

**Please note any final decision made by the Planning Commission is appealable within 15 days of the decision pursuant to sections [17.09.705](#) through [17.09.715](#) of Title 17, Zoning.*



MINUTES



**PLANNING COMMISSION
MINUTES
JANUARY 10, 2023
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Jon Ingalls, Vice-Chair
Lynn Fleming
Phil Ward
Peter Luttrupp
Sarah McCracken
Brinnon Mandel

STAFF MEMBERS PRESENT:

Hilary Patterson, Community Planning Director
Tami Stroud, Associate Planner
Sean Holm, Senior Planner
Shana Stuhlmiller, Public Hearing Assistant
Randy Adams, City Attorney

COMMISSIONERS ABSENT:

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Commissioner McCracken noted that her name was misspelled on page 11.

Motion by Luttrupp, seconded by Mandel, to approve the amended minutes of the Planning Commission meeting on December 13, 2022. Motion approved.

STAFF COMMENTS:

Ms. Patterson provided the following statements.

- She announced that work on the impact fee update has been kicked off with a meeting with the consultant team and some of the departments yesterday to discuss the timeline and scope of work. She explained that the Planning Commission is tasked as the Development Impact Fee Advisory Committee with three upcoming meetings tentatively scheduled in April, June and August.
- She commented that for our Planning Commission meeting on February 14th we don't have any public hearing items, but please keep your calendar for a tentative hold in case we do have any other business items.
- She stated that for our Short-Term Rental (STR) Ordinance update we will be receiving data this week from Granicus, the company the city hired will be getting data this week. There is also a meeting scheduled with the Ad Hoc Committee to review and talk about

“next steps”.

PUBLIC HEARINGS

1. Applicant: Children’s Village, Inc.
Location: 1350 W. Hanley Avenue
Request: A proposed Group Dwelling special use permit in the R-12 zoning district.
QUASI-JUDICIAL, (SP-1-23)

Tami Stroud, Associate Planner, provided the following statements:

- Ryan M. Johnson of Architects West, Inc. on behalf of the Children’s Village Inc. is requesting approval of a Community Organization Special Use Permit in an R-12 zoning district.
- The request, if granted, would allow the applicant to construct a new building to be utilized as a multi-agency Family Support Center and other future buildings in support of the Children’s Village operations. It will aid in helping families in need of finding resources, and will also be operating as an office space for other nonprofits.
- There are currently two (2) residential structures on the site that provide housing for families in crisis and an existing administrative building to support the use.
- There are two previous special use permits on the property that allow for Community Education and Child Care Facility uses.
- The proposed expansion of Children’s Village is not allowed under the existing special use permits. Therefore, an additional special use permit for the Community Organization use is required at this time to allow the new buildings.
- She noted that the Comprehensive Plan categorizes this area as Compact Neighborhood.
- She stated that all city departments have reviewed this project with no concerns.

Ms. Stroud concluded her presentation

Commission Comments:

Commissioner Fleming noted the fence on the eastside of the property and questioned if that fence is chain link. Ms. Stroud answered that is correct.

Public testimony open.

Ryan Johnson and Rosa Melther provided the following statements:

- Mr. Johnson clarified that this request isn’t for a detention center as stated in the paper.
- Ms. Melther explained this request is for a multi-agency resource center aimed out doing a single screen process for children and families in crisis, in case we need access in emergency situations providing sheltering or runaway behavior that families need a place to take a pause and a place to come together with professionals to help solve issues in the home.
- Mr. Johnson explained the floor plan of the facility that includes offices for various agencies and staff.
- He noted the elevations of the building on the eastside and the types of materials that will

be used on the building.

- He explained on the site plan where people will enter off of Hanley since the Children's Village is a secure site that will remain secure. The proposal is to provide a separate vehicular access will be for the public. He explained the east fence is chain link, but our intent is to put privacy slates in the fence to create a visual buffer from both sides that will benefit the neighbors and the Children's Village.

The applicant concluded his presentation.

Commission Comments:

Commissioner Fleming explained that the Children's Village has a very warm and inviting residential feel and this building looks very commercial. She commented that she is afraid that children will look at this building like a "jail cell" and suggested that they try to change some of the features on the proposed building to make it more inviting and look more residential. Mr. Johnson explained that we are intending to provide a pitched roof that will make the building look more "homey". Commissioner Fleming commented that the proposed building looks more "adult" and that the children shouldn't be made to feel intimidated, but otherwise the building looks great

Commissioner Ward inquired why is there a new driveway intended for the eastside of the property. Mr. Johnson explained that will be for public access that can be accessed throughout the day without being "coded in" from the main office. He explained that this building will be used by other agencies supported by Children's Village.

Ms. Moo's who is the Chief Executive Officer (CFO) of Children's Village explained that a big consideration for this plan is to provide the service to families in need. Children living on the property ride their bikes in the streets and Children's Village wants to protect the children from traffic going to and coming from the new building. It is important to preserve the children's safety. This is why another entry point would be a better solution.

Commissioner Ingalls inquired if this is approved would you be acceptable to add a condition that requires Children's Village to add fence slats to the chain link fence to create a site obscuring fence. Mr. Johnson commented that would be acceptable to the eastern border of the fence.

Commissioner McCracken inquired what are the other agencies to be included in this project. Ms. Moos stated that some agencies we are talking to would be Coeur d'Alene School District, Post Falls School District, Spirit Lake Police, Juvenile Diversion/Probation of Kootenai County, Juvenile Justice Outreach of Kootenai County, Casa and Safe Passage.

Chairman Messina inquired what are the hours of operation. Ms. Moos stated it would be business hours but extended until 8:00 p.m. since a lot of people work, and when a crisis happens isn't necessarily within business hours.

Jo Pickens commented that their back yard backs up to her yard which is only five-feet tall and questioned why they need to put another street next to our fences since this will disrupt our privacy. She added there is another parking lot where people who are working in the new building can park, and she has concerns about the lighting. Commissioner Luttrupp inquired if the fence was allowed to be 6 feet tall, would that help. Ms. Pickens answered that would help, but she is more concerned about the addition of another road and how this will take out the children's play area.

Rebuttal:

Mr. Johnson and Rosa Melther provided the following statements.

- Mr. Johnson stated this is an independent access so the Children's Village can remain a secure site. All new business will be handled out of the new building. This is the reason we are doing the new driveway.
- He added lights are a concern and we will be working with Thorco to provide lights that will be low level with direct cutoff that are site specific.
- Ms. Melther appreciates the concerns for our children and explained there is a large side yard on the first house where the road enters and noted on the map the location of the house where some of the parking will be located and noted on the side of the house is a large treed area where a large play structure will be relocated with enough space for children to play.

Chairman Messina inquired if the applicant has met the landscaping requirements. Ms. Patterson explained that they have met the requirement with the current fence and if the commission would like to add something additional and is acceptable to the applicant, she suggested that screening would be acceptable.

Mr. Johnson explained are goal is to preserve a lot of the back yard.

Mr. Johnson concluded his presentation.

Commissioner Mandel questioned who will be paying for this. There have been statements that the public is going to end up paying for this. She asked the applicant to clarify the funding. She understood it was grant money and fundraising money, and would not be tax payers money. Ms. Melther apologized that the article in the press was wrong and explained that this will be paid for with a grant from Governor Little who reallocated \$6.5 million from the Idaho Approved State Fund in 2022 which reallocated \$6.5 million towards mental health in order to set up an assessment center in order to help to get kids out of the system. She added that this building will be fully funded by this grant and won't be an impact to taxpayers. She added traffic will be minimal and will be a great benefit to the community to have these agencies working with these officers.

Commissioner Luttrupp inquired about street lighting and encourage to meet with the neighbors to provide low impact lighting.

Chairman Messina questioned if the commission decides to make a 6-foot fence a condition of the project if that would that be acceptable. Mr. Johnson answered we will address that if it comes up.

Commissioner Ward commented that he understands the need for a private drive and he supports the appropriate fencing and landscaping since this is a use that we need for the community. Mr. Johnson commented that this building will be 60 feet from the property, so we have some distance to provide some buffer.

Public testimony closed.

Discussion:

Commissioner Ingalls inquired about the requirements for buffering and if by providing slats in the existing fence would that satisfy that requirement. He also inquired if a 6-foot was the standard height for a fence. Ms. Patterson explained for commercial use it depends but 6 feet is allowable. Commissioner Ingalls explained that he did have concerns on the eastside and agrees something needs to be done, but would like to request a 6-foot fence if costs allow. Ms. Patterson explained that the code states you can mix it up with evergreen or scrubs to help provide a buffer.

Commissioner Mandel concurs. With the potential for four residential buildings to be on the site, addressing the need now would make sense. But she suggested letting the applicant decide what would be most cost effective for screening.

Commissioner Luttrupp added if there is future growth that maybe it could trigger requiring a taller fence. He stated that he supports this request which will be an asset to the community.

Mr. Adams cited city code 17:068:30 talks about buffer yard requirements which specifies a five-foot fence as the minimum. The code also provides for landscaping and shrubbery to be used to do additional screening. It must be obscuring within a certain percentage within three years with the approval by the Planning Director.

Commissioner Ingalls stated we heard the applicant to add a condition that says to add slats to the existing 5-foot fence. Commissioner McCracken concurs and said it would be nice to mix in some vegetation.

Motion by Mandel, seconded by Ingalls, to approve Item SP-1-23. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to approve carried by a 7 to 0 vote.

2. Applicant: Charles and Carrie Stringham
Location: E. of 4th Street at E. Whispering Pines Lane
Request: A proposed 5-lot preliminary plat "Cherry Pointe"
QUASI-JUDICIAL, (S-1-23)

Sean Holm, Senior Planner, provided the following statements:

- The future homes planned for Cherry Pointe will be common wall, side by side duplex homes, of approximately 2,000 square feet in living area per residence. Each will include 3 bedrooms, 2.5 bathrooms, generously sized common use rooms, and attached oversized 2-car garages.
- The primary point of entry will be from the rear facade, although the planned conventional covered open front porches will provide a way for residents to walk to and from the homes from Fourth Street. This will also help provide a pleasant curb appearance, complement some of the community's older homes, and continue a tradition of porch swings in some of Coeur d'Alene's older neighborhoods.
- Eight of such duplex homes are planned for Lots 1 through 4. On Lot 5, a single standalone home will be oriented on the long axis to Fourth Street. This design allows each of the home front facades to be 45 feet as viewed from the street. Ceiling heights for each of the first floors will be 10 feet, and nine feet for second floors, but the rooflines will finish under 32 feet. Lot 5 will also have a single ADU whose front facade and general appearance also aligns with the other homes. The ADU will have 800 square feet of living space built over a 2-car garage.
- He noted that all city departments reviewed this project and there were no objections.
- He stated if approved there are 16 conditions for approval.

Mr. Holm concluded his presentation

Commission Comments:

Commissioner Ingalls commented that this proposal is for five lots with the potential for five different owners. Mr. Holm explained that's correct if the applicant decides to condo this project. This would mean there would be two homes per lot except on the north lot, which will be a single-family home with an Accessory Dwelling Unit (ADU). Commissioner Ingalls commented since this isn't a PUD, we don't have a finding for open space that would include the formation of a Homeowners Association (HOA). He asked if we have multiple owners with an easement, what is the tool to use for the homeowners to pay for snow removal, etc. Mr. Holm explained that this is a great question for the applicant since he knows what the final product will look like that might include a condo. If that is the choice, it will have a HOA that's created and recorded

Commissioner Ward commented that 4th Street is busy and located across the street from this project are some established developments. He questioned if there is any off-set requirement for the driveways. Mr. Holm explained since this is a one way only there won't be incoming/outgoing traffic from both access points. Chris Bosley, City Engineer did review this and determined it could be only one way since there isn't enough width to do a two way street. With the one-way design, it reduces the number of conflicts that could happen at the same time since there will be only one entrance and only one exit. Commissioner Ward inquired if the private road will be a separate tract. Mr. Holm explained in a PUD that would be part of the tract and able to use that as part of the density calculation for open space. But since this isn't a PUD, staff made a condition that the driveway be placed in an easement for all those parcels to maintain frontage/lot size requirement.

Commissioner Fleming inquired about what is shown in front of the main entry of each lot. She asked if it will be a swale and questioned if there is a new type of swale for safety issues for kids falling into the swale. Mr. Holm noted that on the corner is a swale that is in the City's right of way and commented that if this is an issue, we can discuss with the applicant upon approval. He explained that any injection swale has to be approved by DEQ. Commissioner Fleming inquired about signage designating one way only and noted that the driveway aprons are narrow and should be made wider.

Public testimony open.

Chet Stringham, applicant, provided the following statements:

- He thanked the City of Coeur d'Alene and staff who have been a great help through this process. This is a tricky lot with the size and triangle shape. He is lucky to have purchased this lot when others thought it could be a challenge, and he has met with a number of staff who have been a great help.
- He explained that the lot has a number of parallel lines through it (for the proposed subdivision and home orientation) which made it easy to maintain the curb appeal and still maintain the various limitations/regulations that are required.
- He explained that this design is the most efficient that could be done under the limitations of the lot.
- He explained that the street is noisy and with the design of the individual houses he has incorporated awnings and other features that would help deflect some of the sound including the use of some additional trees and vegetation. He noted that he designed the units to minimize the number of windows to help preserve privacy for the people who have homes on Whisper Drive with backyards that face these units.
- He explained that the units will be +/- 2000 sq. ft including oversize garages that would accommodate the type of larger cars used in this area.
- He addressed the question earlier regarding swales and wanted to make sure the total surface area was adequate since this hasn't been formally engineered yet and noted a large piece of land at the corner that he was able to add a swale, if necessary, and if needed he will reduce the depth of individual swales. He added that the City does have a swale located on the property that we could build a low fence that would be visually appealing and help with safety.
- He noted that the renderings of the homes show the buildings looking similar and explained that they won't all look alike. The colors being selected are complimentary to each other, and each home will have a different character with features including some with stone and some without. He added that with the addition of awnings on the top floor it will provide some sound protection to the units on the bottom floor.

The applicant concluded his presentation.

Commission Comments:

Commissioner Ingalls questioned how these units will be maintained. Mr. Stringham stated he hopes everyone will get along and would be happy to set up an HOA to make sure people follow the rules.

Commissioner McCracken inquired, since this is a private street, if a road easement could be recorded that would eliminate having an HOA. Mr. Stingham said he understands that he will have to grant easements anyway and after discussion with the Wastewater Department, who had concerns about the construction of the sewer system, that we would place a manhole on the property eliminating the need to close down 4th Street. But, in order to qualify it was determined that he would need to grant an easement and he is willing to do that.

Commissioner McCracken explained as ownership changes it would be good to have an agreement to share in extra costs and with an HOA it might be more complicated where you have a board etc. For something like this, she suggested that a Maintenance Agreement between owners might be a better tool. It would be recorded with the easement stating that the owners will share in the cost.

Commissioner Ingalls concurs but this is a driveway and not a public street and a maintenance agreement should be part of the plat. Mr. Stringham commented that is a reasonable request and he would be happy to do so that it isn't a problem in the future. Commissioner McCracken explained if the property is sold the buyer would know what they are buying into which is a shared cost.

Norma Right stated she is president of HOA on Whisper Drive. She stated that the applicant is proposing six houses with only five vacant lots with an existing house on another lot. Commissioner Fleming explained that is an Accessory Dwelling Unit (ADU) which is allowed. Ms. Right noted that all City departments didn't have any concerns with this request and questioned if a setback of 25 feet is required between these homes and the homes on Whisper Drive. Ms. Patterson explained that the setbacks are measured from the back of the structures to the property line and not from the driveway. Ms. Right asked if people could park in the rear setback.. Ms. Patterson explained that is treated like an alley so you're allowed to build from the alley.

Following up on a previous question, Mr. Adams explained that in the Subdivision Code it states "Residential lots served by a driveway have to be located in a separate tract" which the applicant is proposing and "prior to the issue of building permits a Maintenance Agreement must be recorded on each lot detailing the expected lifecycle and maintenance cost for the driveway for each lot."

Ben Shoemaker questioned who is going to take care of the garbage for this project and noticed a couple dumpsters and feels that maybe there is more to this development than what is being stated. He added that we need more information on how this project will be managed and thinks this when done it will be crowded.

Doug Wright commented this level of development on this property adjacent to Whisper Pines is inconsistent by packing a lot of homes on the lot and appreciates the efforts by the applicant to reduce the number of windows facing their homes, but they will still be able to look in the backyards of the adjacent neighborhood.

Rebuttal:

Mr. Stringham provided the following statements.

- He stated these proposed houses will set farther back from the fence than the neighboring houses are from the same fence.
- He stated that the neighbor to the south had a large encroachment on the land where his front yard is which is land owned by me and on the southside of the parcel there is a triangle that abuts immediately to 4th Street and that the triangle piece was used in the

calculations for the 11,000 sq. ft. for Lot 1 and told him that nothing would be built there and able to have a front yard with the driveway to the south configured the way it is and would have been easy to make that a larger parcel and have that driveway come out without entering 4th Street on a 90 degree angle so the neighbor wouldn't have his yard partially eroded.

- He added that he will work with people and want to be a good neighbor.

Commissioner Fleming inquired what is the setback from the street. Mr. Holm explained that setbacks in an R-8 are 20 feet from the front, but they are allowed to encroach 10 feet of that 20 feet with a one-story unenclosed covered porch, which is what is noted in the applicant's drawings.

Commissioner McCracken commented this is a challenging piece of property to build on and inquired if all lots meet the setbacks for R-8. Mr. Holm stated that is correct and the setbacks are shown on the drawing with 20-foot setbacks along the front and 25-foot setbacks across the rear, with one side 5 feet and the other with 10 feet. One lot is showing 20 feet because that is from the wastewater easement. He explained once these lots are subdivided, the rear yard setbacks are subject to change.

Public testimony closed.

Discussion:

Commissioner Ingalls apologized if he confused everyone regarding how to maintain these lots. He clarified that this project isn't a PUD, but rather a subdivision request with no deviations, and the Code has provisions built in for maintaining the lots. In his opinion, the findings have been met.

Commissioner Ward commented that he supports more housing but is concerned how traffic movement on 4th Street will be impacted. He understands the ADU requirement and is not sure we should be setting a precedence that an ADU is sitting across a driveway from the primary residence.

Ms. Patterson explained with the Mahogany Lane subdivision that all of the ADU's will be built over garages that are on the opposite side of their private drive. Their driveway is also in an easement.

Commissioner Ward commented that he has concerns with the properties across the street with the offset drives. Everyone coming out of the south drive would be exiting and would be trying to go south with additional traffic trying to go left, which is a concern.

Commissioner McCracken stated that this is a much-needed housing type with more units that is very creative based on the configuration of the lot. She appreciates individual ownership that will be able to help people get their foot in the door for home ownership.

Commissioner Luttrupp thanked staff and the applicant for the amount of detail presented and approves this project.

Chairman Messina thanked Mr. Holm for helping the applicant make this project work.

Motion by Fleming , seconded by McCracken , to approve Item S-1-23. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to approve carried by a 7 to 0 vote.

3. Applicant: Jeffrey R. Lyman
Location: 3103 N. 22nd
Request: A proposed amendment to the Graystone PUD for hillside disturbance percentage and secondary access to existing lot.
QUASI-JUDICIAL, (PUD-1-03m)

Sean Holm, Senior Planner, provided the following statements:

- The applicant's property was subject to tree damage from a severe wind storm around October of 2021. Dr. Lyman hired help to clean up the mess, and subsequently authorized the crew to prep the site for a future garage by grading/disturbing the southern edge along the Nettleton Gulch Road side of his property as he was unaware of the PUD and City Code limitations for additional access on a double frontage lot and maximum disturbed area on hillside lots.
- The City was made aware of the hillside violation and the property was posted with a "stop work" notice. The owner contacted the Planning Department and was alerted of the limitations of access and disturbance for the lot. In working with the applicant, Planning staff identified the only path forward would be to modify the Graystone PUD with Planning Commission approval in conjunction with consent from the Home Owner's Association.
- The other option was to remediate the site.

The applicant is requesting the following deviations from existing standards:

1. Double Frontage Lot to allow vehicular access to from both rights-of-way, front and rear, of the subject property.
2. Additional disturbance of a hillside lot beyond the 25%+ slope calculation, which is typically applied to determine the area to remain in a natural state.
 - He noted that the Comprehensive Plan designates this area as Planned Development.
 - He commented that all City departments reviewed this request and didn't have any issues.
 - He stated if approved there are 6 conditions for consideration.

Mr. Holm concluded his presentation

Commission Comments:

Commissioner Fleming noted that there are two other parcels on the property that could have double frontage and asked if this is approved, would it allow an "open door" for the other people. Mr. Holm explained that the neighbors were asked if by the applicant if they want the access. They didn't want the access. If they change their minds, they would have to come back to the Commission for approval.

Commissioner Ingalls commented that he needs help with the math. If his calculations are correct, that

would be 2000 square feet of disturbed land. Mr. Holm explained that disturbed area also includes construction sites and disturbed area where they utilize their machines to dig. Anything disturbed is part of the calculation, not just the foot print of the structure.

Commissioner Mandel questioned the intent of the Hillside Ordinance. Is it to protect properties and hillsides from excessive erosion and drainage that would be dangerous to the area, etc. She said it seems per the staff report that this proposal will cause the least amount of damage on the hillside. Mr. Holm explained that the potential impact is low because there isn't a lot of slope, but the Hillside Ordinance does state that a Geotechnical (Geo Tech) report is required which will make sure the hillside isn't disturbed. Commissioner Mandel stated it is the responsibility of the applicant to replace what is damaged, which seems to be minimal.

Commissioner Luttrupp inquired if there has been another project similar to this one done in the past. Ms. Patterson noted that Atlas Waterfront is similar that had some slopes that qualified as hillside and the PUD amendment allowed them to have deviation since they weren't very steep.

Public testimony open.

Cory Trapp and Jeff Lyman provided the following statements:

- Mr. Trapp noted a correction that staff indicated 53% of the lot was developed. He said the correct amount is 35-40% of the lot is developed and that the foot print of the structure will be 800 square feet with the plan to build the garage structure into the hillside for two reasons; 1. To minimize impact and 2. To get the driveway close to the road so we don't have a steep driveway coming out onto Nettleton Gulch, and to get under powerlines.
- He stated that they looked at other areas to locate the garage and this spot will have the least amount of disturbed area with the driveway large enough to be able to turn around and able to pull out onto Nettleton Gulch Road.
- He added that we are aware of the Yellowstone Pipeline easement and don't have any desire to be near it.
- He stated that the rendering presented isn't what will be built. But when finished, the garage will be similar in character and color as the residence.

Chairman Messina inquired if any of the reports have been done. Mr. Trapp stated those reports will be done at the building permit phase.

Mr. Lyman thanked the Commission for their time and apologized the mistake was made. He stated that he talked to the neighbors and let them know what they were doing and they approved of the request.

Mr. Trapp stated that in previous discussion there was a question about the other two lots wanting to do the same thing. He explained that their lots are a lot more steeper and difficult for them to do this same thing.

The applicant concluded his presentation.

Public testimony closed

Discussion:

Commissioner Ward commented that he supports the engineers and architects to do this project right and has no objections.

Commissioner Ingalls concurred and noted on page 7 of the staff report that it states there is

minimal effect on erosion and runoff to the site, and that we can condition this to meet these requirements.

Motion by Ingalls, seconded by Fleming, to approve Item PUD-1-03m Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to approve carried by a 7 to 0 vote.

4. Applicant: RC Worst and Company Inc.
Location: 601, 603 & 609 E. Best Avenue
Request: A proposed Warehouse/Storage special use permit
In the C-17 zoning district
QUASI-JUDICIAL, (SP-3-22)

Tami Stroud, Associate Planner, provided the following statements:

- On November 8, 2022, the Planning Commission heard the request of Jeramie Terzulli, with Olson Engineering on behalf of RC Worst and Company for a Storage and Warehouse Special Use Permit. During that meeting, there were a number of concerns from the commission and the neighbors. The commission determined it would be best to table the item in order for the applicant to address the concerns discussed by the neighbors and the commission.
- The applicant has provided an updated site plan addressing many of the concerns from the hearing held on November 8th, 2022:
- The neighbor to the north on 6th Street expressed concerns with the maintenance of the buffer that was proposed along the outside of the existing fence line of the subject property.
 - The northern buffer is now located inside the fence line along the subject property.
- Concern with the access point to the subject property being located along 6th Street near the residential homes.
 - The access to enter the storage yard has been removed from 6th Street and relocated to Best Avenue after coordinating with Chris Bosley, City Engineer. The exit has also been moved to 6th Place and located further north away from the intersection.
 - In addition, Chris Bosley, City Engineer, stated the relocated approach locations shown on the revised site plan provide better circulation in and out of the site while minimizing impacts to the residential streets. Relocating the approach on 6th Place to the north, away from Best Avenue as shown, reduces conflicts at the intersection, while relocating the 6th Street approach to Best Avenue as shown, provides for use of the left-turn lane

and removes truck traffic from 6th Street. Streets and Engineering has no objections to the revised site plan.

- There were comments from the neighbors and concerns with the RC Worst and Co. employees parking along both sides 6th Place.
 - The applicant has provided ten (10) employee parking spaces along the northeast portion of the subject property for employee parking.
- She noted that the Comprehensive plan categorizes this area as Retail Center/Corridor Type
- She stated that all City departments reviewed the staff report and didn't have any concerns with this project.
- She stated that if approved, there are 12 conditions.

Ms. Stroud concluded her presentation

Commission Comments:

Commissioner Fleming Inquired if the applicant agreed to all the special conditions. Ms. Stroud stated that's correct.

Commissioner Luttrupp thanked staff and everyone who worked together to take the time to make things right.

Public testimony open.

Steve Soltys provided the following statements:

- He stated not wanting to say much since staff did a great job.
- He noted the changes that were made and provided a site plan noting the changes to the buffering and landscaping.

The applicant concluded his presentation.

Public testimony closed.

Discussion:

Commissioner Ingalls concurred Commissioner Luttrupp comments kudos to staff and the applicant to take the time and working with the neighbors to resolve their differences.

Commissioner Ward stated this is a great project.

Motion by Fleming, seconded by Luttrupp, to approve Item SP-3-22. Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to approve carried by a 7to 0 vote.

ADJOURNMENT:

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

The meeting was adjourned at 8:10 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



PUBLIC HEARINGS



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**PLANNING COMMISSION
STAFF REPORT**

DATE: FEBRUARY 14, 2023

**FROM: RENATA MCLEOD, MUNICIPAL SERVICES DIRECTOR, AND
HILARY PATTERSON, COMMUNITY PLANNING DIRECTOR**

**SUBJECT: O-1-23 - AMENDMENTS TO MUNICIPAL CODE CHAPTER 17.08,
ARTICLE X, ENTITLED SHORT-TERM RENTALS**

=====

DECISION POINT: Should the Planning Commission recommend that Council adopt amendments to Chapter 17.08, Article X, of the Municipal Code, repealing M.C. § 17.08.1030(G) which provides a permit exemption for STRs rented fewer than 14 days in a year, and amending M.C. § 17.08.1050(B), to provide that violations for operating without a permit will have civil penalties (set by Resolution) of: \$1,000.00 for the first offense, \$2,000.00 for the second, and \$5,000.00 for the third? Additionally, should the Planning Commission support the ad hoc committee’s recommendation for a pause on short-term rental permits in 2023 to allow only renewals for existing permits and no new permits while data from Granicus is obtained and analyzed, and the committee works on further code amendments?

HISTORY: Idaho Code allows local governments to implement reasonable regulations in order to protect the integrity of residential neighborhoods. The City adopted regulations on December 5, 2017, noting that the Code would need to be revisited after some time to see if amendments were needed. Since that time, City staff has been requested to research and recommend amendments to the Short-Term Rental Code and the City has hired Granicus, Inc., to conduct research, assist with monitoring and enforcement throughout the year, and operate a 24/7 complaint hotline. The desired data points have not yet been provided to the City by Granicus and the March 1, 2023; renewal deadline is fast approaching.

At the time of the October 24, 2022, Joint workshop with the Planning Commission and City Council, there were 453 STR permits issued, with an estimate of between 840 and 1,200 total vacation rentals existing within the Coeur d’Alene city limits. After the Joint City Council/Planning Commission meeting, the City established an internal ad hoc committee to discuss how to proceed. This group included staff, three (3) Planning Commission Members, and three (3) City Council representatives. The group agreed that any substantial changes should come forward after the research and data points were received from Granicus. As of February 6, the City has issued 558 STR permits (with 105 permits being issued in the last 3 months) and expects the demand for additional short-term rental permits to grow in future years. Therefore, the ad hoc internal committee made the following recommendations for the March 1 renewal date:

- Code Amendments: repeal 14-day exemption, and increase penalties for non-permitted STR’s

- Renewals: Current licenses as of February 21, 2023, can be renewed for one year. Some permittees have expressed that they may not renew and others may come in over the next few weeks, so the renewal fee was estimated based on 453 permits continuing (our end of October number).
- Fees: Fee increase for renewals to \$180.00 to cover staff costs and the Granicus contract
- New Permits: Enactment of a pause on new permits effective February 21, 2023, until Granicus data is received and analyzed, stakeholder meetings are held, and new/amended code sections are developed to protect the integrity of residential neighborhoods.

Please note that City Council has not yet determined if there will be a maximum number of permits, how future permits will be reviewed or renewed, and/or whether to impose any other fees associated with the program such as inspections. Therefore, any additional fees would need to come forward through another public hearing.

The City has conducted public outreach, meetings, and accepted public comments throughout this year. Specifically, there have been 13 local media pieces regarding the City's desire to amend the Code since August 20, 2022, seven (7) public meetings were held, a presentation to the Coeur d'Alene Regional Realtors followed by Questions and Answers, and 154 written comments received. Staff will continue to conduct outreach and host stakeholder meetings as information becomes available, and continues to receive written comments.

FINANCIAL ANALYSIS: Fees are intended to cover the costs of the program, including the contract with Granicus, enforcement, and staffing time required to administer the permits.

PERFORMANCE ANALYSIS: In order to provide clarity with respect to the March 1, 2023, renewal deadline, staff is seeking a recommendation from the Planning Commission to the City Council which would allow renewal of current permits and to pause the issuance of new permits so that no new permits would be issued after February 21, 2023, until adoption of further amendments or direction from Council is received. Pausing permits will allow staff and the ad hoc internal committee time to receive and analyze the data from Granicus, identify any areas of the City (such as specific neighborhoods/blocks) that may be saturated with short-term rentals, and collect information from the 24/7 hotline to better understand neighborhood impacts. If new permits are issued prior to analyzing the data from Granicus, there could be increased impact on neighborhoods, especially in saturated areas. Pausing new permits and allowing only renewals in 2023 would help provide time to analyze the impacts, and work with stakeholder groups and the ad hoc committee to develop further code amendments. The pause is necessary in order to protect neighborhood integrity because the actual number of short-term rentals operating in the City could be upwards of 1,200 units. The current permits have saturated some of the neighborhoods and residential blocks. The impacts of short-term rentals need to be evaluated further with the Granicus data and results of the 24/7 hotline to understand neighborhood impacts. Additionally, it is staff's desire to begin stakeholder meetings after the Granicus data is mapped and to work on developing further proposed code amendments within 6 months, giving permit holders another 6 months to know how any new codes may affect them at the renewal timeline of March 2024.

As noted above, Idaho Code allows reasonable regulations in order to protect the integrity of residential neighborhoods. Many states have implemented standards, such as a total cap on permits, spacing requirements, or percentage caps in areas/neighborhoods/blocks that have experienced saturation resulting in a loss of neighborhood integrity. Many communities and states across the U.S. and world are now modifying their original ordinances with reasonable regulations that better protect neighborhood integrity. It is the desire of staff to work with Granicus, the ad hoc committee, and stakeholders to research actual data and impacts of short-term rentals in Coeur d'Alene, research other communities' ordinances, and present future proposals for Code amendments that find balance and ensure neighborhood integrity is preserved and restored. Staff and the ad hoc committee aim to bring forward further proposed code amendments within the next six months.

DECISION POINT/RECOMMENDATION: The Commission should recommend amendments to Chapter 17.08, Article X, of the Municipal Code, repealing M.C. § 17.08.1030(G) which provides a permit exemption for STRs rented less than 14 days per year, and amending M.C. § 17.08.1050(B) to provide increased civil penalties for operating without a permit as follows: \$1,000.00 for the first offense, \$2,000.00 for the second, and \$5,000.00 for the third as adopted by Resolution. Additionally, the Commission should recommend a pause on new short-term rental permits in 2023 and only allow renewals for existing permits while data from Granicus is obtained and a new proposed code amendments are developed.